

the toughest seats, and that means deep in Republican territory. Because that's the only way we'll be able to help elect enough Democrats to have a voice in the next round of redistricting.

But it won't be easy, and it won't be cheap, so we're relying on our team of committed grassroots supporters. Will you pitch in to help the NDRC fight in every state and every district we need to in order to end gerrymandering?

[DONATE](#)

From: Amy, Cassandra, Tara, and the Win Without War team
Subject: Net Neutrality is over TODAY — unless we get the House to step in [Sign Now]

The FCC's net neutrality repeal takes effect TODAY. Tell the House: Restore net neutrality!

Today, June 11th, the Federal Communication Commission's repeal of net neutrality takes effect.

Yeah — it's **bad**. But here's the good news: Thanks to your activism, we have a real shot to keep the internet open for activism by restoring net neutrality.

Last month, YOU got the Senate to overturn the FCC's repeal and vote to save net neutrality. Win Without War was part of a truly massive coalition flooding the Senate with millions of calls and emails from constituents like you. And together, we won an against-the-odds bipartisan victory using an unprecedented tactic called a discharge petition to bring back the open internet.

Now, we need to force the House to pass the same kind of resolution to save net neutrality. So we need to drive a huge wave of grassroots pressure just like we did in the Senate. And with net neutrality rules officially lapsing TODAY, we've got no time to lose. That's where you come in.

Tell the House of Representatives: Follow the Senate's lead and sign the discharge petition to restore net neutrality!

Sign Now

As of today, AT&T, Verizon, and Comcast are allowed to create fast and slow lanes on the internet to drown out our voices.

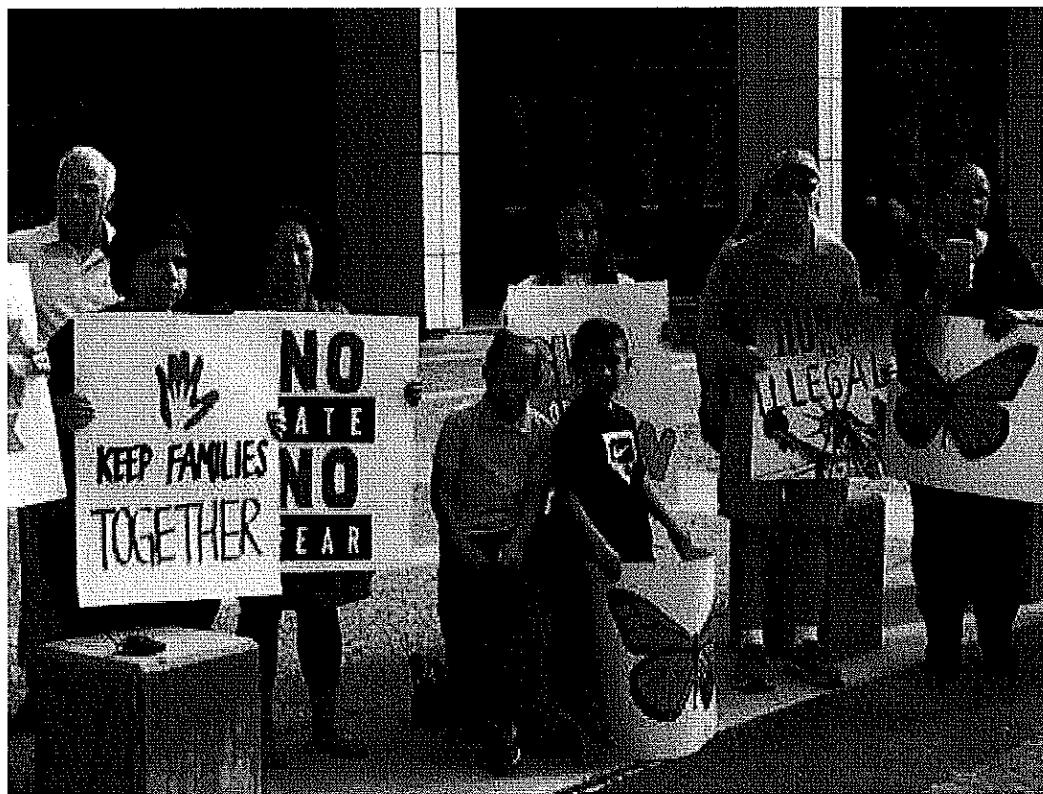
We don't know when they'll act — but we sure know it's coming. And we've got to stop it.

Our movement for peace doesn't have fistfuls of cash to pour into lobbying Congress, like the giant defense contractors do. Instead, we have people power to drive relentless grassroots pressure on Congress. And thanks to net neutrality, our people power is strong enough to go toe-to-toe with the defense lobby — and win.

Well, as of today, the net neutrality rules that keep our voices loud and clear are over. And if we don't step in, our grassroots power for peace could be throttled, too.

Don't let companies shut down anti-war activism that hurts their bottom line.
Add your name now and demand Congress restore net neutrality >>

From: Kathryn Johnson; Policy and Advocacy Coordinator, AFSC
Subject: Stop ICE and Border Patrol from separating families!



Outrage is growing across the political spectrum as the Trump administration continues to separate families at the U.S.-Mexico border. Under the administration's "zero-tolerance" policy, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have ripped thousands of children from their parents, and horrifying news stories have given us only a glimpse of the trauma many families are facing right now.

It's important to remember that ICE and CBP have a long history of separating families and terrorizing people fleeing poverty and violence—and it's time to put an end to the cruelty and dehumanization of immigrants by these agencies.

[Take action today: Tell Congress to stop funding ICE and CBP!](#)

This week, members of Congress are making critical decisions on appropriations for these agencies in the upcoming fiscal year. Our elected officials need to hear from us today.

[Tell Congress to stop using our taxpayer dollars for ICE and CBP, and demand](#)

policies that respect the dignity and rights of all people.

If you've already contacted your elected officials, urge your family and friends to take action today by sharing this post on Facebook or Twitter.

P.S. Are you in the Washington, D.C. area? Join us in protesting atrocities at the border tomorrow morning, June 19. Here are more details on Facebook.

Take action

From: Hilary O. Shelton; Director to the NAACP's Washington Bureau
Subject: We need to keep families together!

Under a new policy designed and enforced by the current administration and being led by the Department of Justice and the Department of Homeland Security, immigrant families trying to enter the United States – either illegally or through legal means, which includes presenting themselves at a designated U.S. Port of Entry and stating that they are seeking asylum = 2 are separated; with the parents going to jail and the children being sent to foster care or more often government detention facilities. This is occurring with alarming frequency; in the six weeks between mid-April and the end of May of this year, over 2,000 children were separated from their parents.

Ripping families apart is immoral and un-American. There is no law requiring the separation of children from their families simply because their parents were seeking a better life in the U.S.

For more information about his, as well as key legislation to stop the atrocities, please see the linked Action Alert.

From: Shaunna, Kat, Karin, Adam, Holly, Kathy, Susan, Anathea, Audine, Shannon, Emma, Pilar, Natalie, Melody, Pam, Lindsay, and Ryan, the UltraViolet team
Subject: What everyone needs to know about Trump's gag rule

Trump's domestic "gag rule" proposal to silence doctors and shutter clinics is moving fast--but not too fast for us to be able to stop it.¹ Public outrage has forced Trump and his ideologues to back down before--from their attempts to steal restaurant workers' tips, to raising national park fees, to even stealing our health care.²

The problem is, most people haven't heard about this awful plan and don't realize it could shut down their local Planned Parenthood clinic. That's why we made this graphic--can you take a moment to share it?

[Click here to share the graphic on Facebook.](#)

[Not on Facebook? Click here for other sharing options.](#)

ultra

TRUMP'S DOMESTIC “GAG RULE” IS A DISAS- FOR LOW-INCOME WOMEN

IT TARGETS
4 MILLION
LOW-INCOME
PATIENTS

53% ARE
BLACK OR
LATINX



IT WOULD BAN MANY
& CLINIC STAFF FROM
TALKING ABOUT ABORTION
EVEN TO SAVE A WOMAN'S LIFE



IT COULD SHUT DOWN CLINICS
PLANNED PARENTHOOD

SHARE TO SPREAD THE WORD
THIS PROPOSAL IS DANGEROUS TO WOMEN'S HEALTH

Sources:

1. [Trump Rule Would Bar Some Abortion Advice at Federally Funded Clinics](#), New York Times, May 22, 2018
2. [Trump Administration Retreats on Tip-Sharing Plan in Compromise](#), New York Times, March 23, 2018
3. [National Park Service Reconsiders Steep Fee Increase After Backlash](#), New York Times, April 5, 2018
4. [In Major Defeat for Trump, Push to Repeal Health Care Law Fails](#), New York Times, March 24, 2017

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From: Construction Employers Association
Sent: Wednesday, June 20, 2018 7:16 AM
To: Rep48
Subject: Join the Construction Safety Council



June 20, 2018



Construction Safety Council of Northeast Ohio

You are invited to join our Safety Council! The new council year begins July 1, 2018 and ends June 30, 2019.

Our first meeting of the year is Tuesday, July 17, 2018- come and see what being a Construction Safety Council member is all about!

REGISTER NOW

Benefits of Joining a Council:

- Learn techniques for a safer workplace

- Learn how to better manage your workers' compensation program
- Networking, thereby building relationships that can help you in your business
- Rebates on your workers' compensation premiums

Rebate Eligibility Requirements

- Join the Council by **July 15th**
- Attend 10 safety council meetings
- CEO must attend 1 meeting
- Submit semi-annual reports twice a year

Cost

CEA Members are invited to take advantage of one of their many benefits -
FREE enrollment into the Council!

CISP contributors, as well as members of NECA, MCI-CPI, NOPTCA,
and SMACNA also receive free Safety Council membership.

Enrollment for non-members is \$500.00 per year.

[LEARN MORE](#)

[ENROLL NOW](#)

[SEMI-ANNUAL REPORT](#)

Contact Maricia Mitchell at maricia@ceacisp.org or 216-398-9860 with any
questions.

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From: Public Policy Law360
Sent: Thursday, June 21, 2018 4:06 AM
To: Rep48
Subject: Trump Signs Order To Stop Immigrant Family Separations



Thursday, June 21, 2018



TOP NEWS

Trump Signs Order To Stop Immigrant Family Separations

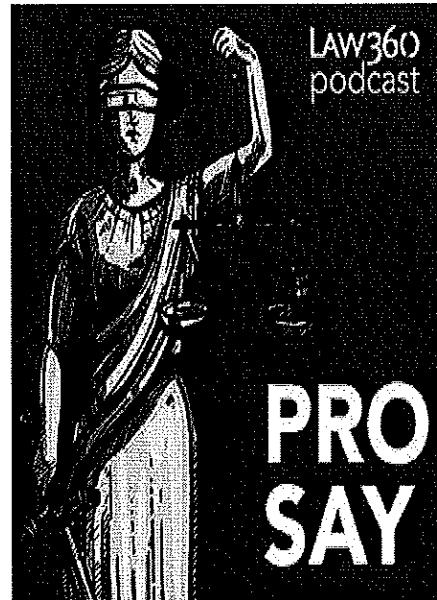
President Donald Trump signed an executive order Wednesday that takes a step toward ending the administration's practice of separating immigrants from their children in detention following broad public outcry, while doubling down on the administration's "zero-tolerance policy" of prosecuting all unauthorized border crossers. [Read more »](#)

Ex-Jones Day Partner Tapped For US Atty In San Diego

A former partner at Jones Day who was shut out of a bid to become San Diego's U.S. attorney under the last Republican administration got the White House's nod for the job on Wednesday, as did three others in Colorado, New Orleans and Detroit. [Read more »](#)

Judicial Nominees Talk Cocaine, Incest At Bizarre Hearing

At times echoing a law school classroom, the Senate Judiciary Committee on Wednesday probed judicial nominees for the Fourth Circuit and a Florida district court about the limits of government power, asking about the ability to



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LAW FIRMS

Allen & Overy
Arnold & Porter
Baker Botts
Baker McKenzie
Bird & Bird
Brinks Gilson & Lione
Brown Rudnick
Brownstein Hyatt

crack down on cocaine use and stop incest.
[Read more »](#)

Analysis

In The Courts, Battles For Immigrant Children Wage On

The Trump administration's treatment of immigrant children has elicited widespread condemnation this week from all four living former first ladies, the United Nations' human rights chief, hundreds of religious leaders and even some Republicans — but legal challenges to its policies have long been underway. [Read more »](#)

Trump, Lawmakers Make Limited Progress On ZTE Deal

Lawmakers said Wednesday they had made some progress toward a deal to lift sanctions imposed on Chinese telecommunications equipment maker ZTE Corp. after a meeting with President Donald Trump, the day after a bipartisan bill to protect the federal supply chain, prompted in part by ZTE, was introduced in the Senate. [Read more »](#)

Analysis

PTAB's Doors Would Be Closed To Generics Under Hatch Bill

Proposed legislation by one of the architects of the Hatch-Waxman Act to require generics makers to choose between challenging drug patents under that law or through inter partes reviews would effectively bar generics from using America Invents Act proceedings, attorneys say. [Read more »](#)

LEGAL ETHICS & MALPRACTICE

Ex-Pa. Lawmaker Loses Corruption Conviction Appeal Bid

The Pennsylvania Supreme Court on Tuesday declined to hear an appeal from a former state representative pushing to dodge a conviction for using public funds on campaign-related technology purchases on grounds that

Burr & Forman
Chaffe McCall
Clifford Chance
Cooley
Covington & Burling
Cravath Swaine
Davis Polk
Dewey & LeBoeuf
Dickinson Wright
Drinker Biddle
Eckenrode Maupin
Epstein Becker Green
Flemming Zulack
Freshfields
Fried Frank
Gibson Dunn
Greenberg Gross
Greenspoon Marder
Gunderson Dettmer
Hoguet Newman
Hueston Hennigan
Jones Day
Kaufman & Company LLC
Keker Van Nest & Peters
King & Spalding
Kirkland & Ellis
Kramer Levin
Landye Bennett
Latham & Watkins
Linklaters
Littler Mendelson
Marshall Dennehey
McConnell Valdes
Milbank Tweed
Morrison & Foerster
Munger Tolles
Neal Gerber
Ogletree Deakins

prosecutors had destroyed potentially exculpatory evidence. [Read more »](#)

ENERGY & ENVIRONMENTAL

Atty Picked For EPA Office Will Recuse From Dow Cleanups

The Dow Chemical Co. managing counsel selected by President Donald Trump to lead the U.S. Environmental Protection Agency's emergency management office on Wednesday told senators he will recuse himself from issues surrounding nearly 200 Superfund sites his employer is involved in. [Read more »](#)

EPA Need Not Step In On W.Va. Pollution Limits: 4th Circ.

In a loss for environmental groups, the Fourth Circuit held Wednesday that the U.S. Environmental Protection Agency does not yet need to get involved in West Virginia's obligation to set certain pollution limits for hundreds of bodies of water in the state. [Read more »](#)

HHS Unveils Controversial Drinking Water Contaminant Study

The U.S. Department of Health and Human Services released an eagerly anticipated study Wednesday that said there should be a much stricter standard for human exposure to two drinking water contaminants than what the U.S. Environmental Protection Agency established. [Read more »](#)

INSURANCE

NY, Mass. AGs To Sue Over Association Health Plans Rule

The attorneys general for New York and Massachusetts on Wednesday said they will sue the Trump administration over the U.S. Department of Labor's final rule on association health plans that they say will shrink "critical consumer health protections." [Read more »](#)

Paul Hastings

Paul Weiss

Pepper Hamilton

Perkins Coie

Podhurst Orseck

Rainone Coughlin

Rath Young

Robins Kaplan

Ropes & Gray

Sanford Heisler

Schulte Roth

Selendy & Gay

Seltzer Caplan

Shapiro Arato

Sills Cummis

Simpson Thacher

Skadden

Slaughter and May

Sterne Kessler

Sullivan & Cromwell

Sullivan & Worcester

Thomas Coon

Vinson & Elkins

Wachtell Lipton

White & Case

White and Williams

Wiley Rein

Williams & Connolly

COMPANIES

AECOM

ALPS Corp.

AT&T Inc.

Aetna Inc.

Amazon.com Inc.

American Airlines Group Inc.

American Civil Liberties Union

American Hotel & Lodging Association

REAL ESTATE

Missing Docs Mean Builder Must Follow New Reg: NJ Justices

A New Jersey developer is not protected by a rule requiring a municipality to follow regulations in effect when an application is filed because the builder did not include all of the requisite documents in submitting its proposal, that state's Supreme Court said Wednesday in affirming a lower court ruling. [Read more »](#)

EMPLOYMENT

Restaurant Group Pushes NLRB On Joint Employer Issue

The National Restaurant Association's legal arm has urged the National Labor Relations Board to adopt the trade group's proposed rule to clarify the joint employer doctrine, saying it supports the NLRB's recent efforts to engage in rulemaking rather than set policy based on precedent-setting decisions. [Read more »](#)

DC Voters OK Minimum Wage Hike For Tipped Workers

Washington, D.C., voters on Tuesday approved a ballot initiative that incrementally raises the minimum wage for tipped workers until it reaches \$15 per hour, eliminating the ability of employers in the district to pay those workers below the minimum wage if tips cover the difference. [Read more »](#)

COMPETITION

Feature

4 Noncompete Developments From 2018's First Half

In the first half of 2018, judges have continued to rip up broad noncompete agreements, while the Trump administration has kept in place an Obama-era policy aiming to punish businesses that agree not to hire each other's workers. Here, Law360 looks at four recent developments in restrictive covenant law that

American Medical Association Inc.
Ames & Gough
Associated Press
Bank of America Corporation
Blyth, Inc.
Broadcom Ltd.
CVS Caremark Corporation
Cable News Network Inc.
Celanese Corporation
Charter Communications Inc.
Comcast Corporation
Delta Air Lines Inc.
Dow Chemical Co.
Facebook
Farm Bureau Financial Services
Financial Industry Regulatory Authority Inc.
Frontier Airlines Inc.
Google Inc.
Huawei Technologies
Hulu LLC
IdeaTek Systems Inc.
International Council of Shopping Centers Inc.
JPMorgan Chase & Co.
Kaspersky Lab Ltd.
Lambda Legal Defense & Educational Fund
Mackinac Center for Public Policy
Manitowoc Company Inc.
NFL Enterprises LLC
National Employment Law Project
National Gypsum Co.
National Immigration Law Center
National Restaurant Association
New Jersey State Bar Association
Northrop Grumman Corporation
Oppenheimer Holdings Inc.
Orbital ATK Inc.

attorneys should have on their radar. Read more »

New FTC Weighing Need To Alter Policies For Digital Economy

The Federal Trade Commission's newly minted chairman, Joseph Simons, said Wednesday that the agency will conduct a series of hearings to help shape its policy approach to hot-button antitrust and consumer protection issues including privacy, big data and the potential for enforcement against large technology platforms. Read more »

CYBERSECURITY & PRIVACY

House Passes Bills On Opioid Patient Info Sharing, Treatment

The U.S. House of Representatives on Wednesday passed more bills aimed at tackling the nation's opioid crisis, including a measure allowing medical professionals to share information about patients with opioid use disorder and another providing more treatment options for addicted Medicaid recipients. Read more »

PERSONAL INJURY

NJ County Loses Fee Bid In Fatal Construction Accident Row

A New Jersey state appellate court ruled Wednesday that Middlesex County couldn't require a construction company and an engineering consultant to cover its legal expenses in a suit brought by the family of a worker who died after an accident at a bridge construction site. Read more »

GOVERNMENT CONTRACTS

Senate Fails To Pass \$15B In Cuts To CHIP, Car Tech Funding

The U.S. Senate voted down President Donald Trump's attempt to pull back \$15 billion in already authorized spending for the Children's

Roche Holding AG
Sierra Club
Southwest Airlines Co.
Spirit Airlines Inc.
Stolt-Nielsen SA
Tax Foundation
The Renco Group
Time Warner Inc.
Twitter Inc.
U.S. Chamber of Commerce
Union of Concerned Scientists
United Continental Holdings Inc.
United States Telecom Association
Vizio Inc.
Washington Post Co.
Windstream Corporation
Xcel Energy Inc
YouTube Inc.
ZTE Corp.

GOVERNMENT AGENCIES

Agency for Toxic Substances and Disease
Attorney Registration and Disciplinary Commission
Bureau of Indian Affairs
Centers for Medicare & Medicaid Services
Committee on Foreign Investment in the United States
Defense Health Agency
Department of Commerce
European Union
Executive Office of the President
Federal Communications Commission
Federal Trade Commission
Food and Drug Administration
House of Commons of the United Kingdom

Health Insurance Program, car technology research and other areas Wednesday, as two key Republican senators joined Democrats to torpedo the proposal. [Read more »](#)

Jury Told Of Business Shakedowns By NY Senate Leader, Son

Former New York state Senate Majority Leader Dean Skelos and his son used the once-powerful politician's office to strong-arm businesses for illicit payments to the younger Skelos, prosecutors told a Manhattan federal jury Wednesday during opening arguments in the pair's corruption retrial. [Read more »](#)

CMS Eyes Broad Easing Of Stark Law Restrictions

The Centers for Medicare & Medicaid Services on Wednesday expressed interest in widespread easing of Stark Law restrictions on physician referrals, asserting that relaxed standards will clear the way for coordinated care among different providers. [Read more »](#)

AEROSPACE & DEFENSE

Sen. Grassley Wants Action On Wasteful Spending At DOD

Sen. Chuck Grassley, R-Iowa, raised concerns Tuesday about \$81.2 million in TRICARE overpayments by the Defense Health Agency and urged the nation's defense chief to focus on ending wasteful spending at the Pentagon. [Read more »](#)

INTERNATIONAL TRADE

Sen. Wyden Presses Ross For Views On ZTE's Cyberthreat

Commerce Secretary Wilbur Ross evaded questions from Sen. Ron Wyden, D-Ore., on the cybersecurity threats posed by ZTE Corp. on Wednesday as the lawmaker probed for answers about the Trump administration's decision to give the Chinese telecom giant a

Illinois Department of Revenue
Illinois Supreme Court
Internal Revenue Service
Los Angeles County District Attorney's Office
Missouri Attorney General's Office
NAFTA
National Labor Relations Board
New Jersey Supreme Court
New York Attorney General's Office
Pennsylvania Supreme Court
Securities and Exchange Commission
Special Inspector General for Afghanistan Reconstruction
TRICARE
U.S. Army
U.S. Customs and Border Protection
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Senate
U.S. Supreme Court
United Nations
West Virginia Department of Environmental Protection
Wisconsin Supreme Court

reprieve for its sanctions violations. Read more »

Sens. Tee Off On Ross For Trump's Aggressive Trade Moves

Senators on both sides of the aisle on Wednesday laid waste to the Trump administration's flurry of trade enforcement moves over the last six months, demanding answers from U.S. Department of Commerce Secretary Wilbur Ross about the direction of the White House's overall trade strategy. Read more »

EU To Hit US With Retaliatory Tariffs On Friday

The European Union on Friday plans to implement retaliatory tariffs on €2.8 billion (\$3.2 billion) worth of U.S. products in retaliation for the Trump administration recently slapping double-digit tariffs on aluminum and steel products entering the United States from the continent's economic bloc, it announced Wednesday. Read more »

TAX

Analysis

Failed Mass. Ballot Shows Fading Support For Millionaires' Tax

A business coalition's successful challenge to a Massachusetts ballot initiative to establish a special tax on income above \$1 million highlights waning political support for such measures in the years since the Great Recession, when states attempted to use them to plug large budget holes. Read more ½ B

Panel Grills DOJ Official On Seizures In Structuring Cases

Members of the House Ways and Means Oversight Subcommittee questioned a U.S. Justice Department official Wednesday over asset seizures in structuring cases referred by the Internal Revenue Service and asked why

World Trade Organization

the department had denied requests to have funds returned. [Read more »](#)

IMMIGRATION

House Set For Major Immigration Votes Thursday

The U.S. House of Representatives is set to vote on a series of immigration bills Thursday, although the Republican-led legislation has drawn criticism from within GOP ranks and from Democrats. [Read more »](#)

Airlines Slam DHS Migrant Child Separation Policy

Several U.S. airlines condemned the Trump administration's policy of separating migrant children from their parents at the border, saying Wednesday that they would not allow the government to use their flights to transport those children away from their families. [Read more »](#)

NATIVE AMERICAN

Tribe Can't Get Judge To Declare Federal Recognition

The Chinook Indian Nation on Wednesday lost its bid for a Washington federal court to declare it a federally recognized tribe, with a judge saying the court can't go around the federal acknowledgment procedure without "a clear delegation of authority from Congress," but otherwise keeping the tribe's case against the government intact. [Read more »](#)

TELECOMMUNICATIONS

Calif. State Committee Tones Down Net Neutrality Bill

In one swift move, a California State Assembly committee "gutted" a wide-ranging net neutrality bill Wednesday when it amended some of the legislation's strongest language, according to the bill's supporters. [Read more »](#)

FCC Nominee Starks Says He'll Focus On Telemedicine

Geoffrey Starks, the next Democrat nominated to fill a Federal Communications Commission vacancy, emerged as an ardent supporter of internet subsidy programs and telemedicine initiatives Wednesday, testifying before the Senate Committee on Commerce, Science and Transportation that he takes the FCC's role in expanding broadband service seriously. Read more »

Feds Stuck In The Past On Telecom, FCC's O'Rielly Says

Federal Communications Commission member Michael O'Rielly blasted U.S. antitrust regulators' "outdated and misguided" view of telecommunications companies, saying Wednesday the successful repeal of net neutrality rules and the now-complete AT&T-Time Warner merger show the government is out of step with market realities. Read more »

Network Unbundling Will Hurt Smaller ISPs, Lawmakers Told

Upstart broadband providers on Tuesday urged lawmakers to keep unbundling rules intact to ensure they have access to the networks of big legacy telecom companies, warning that without the measures, competition will suffer, prices will go up and innovation will drop. Read more »

EXPERT ANALYSIS

Kaepernick Case Raises Arbitrator Subpoena Power Issues

It has been widely reported that lawyers representing Colin Kaepernick in collective bargaining arbitration proceedings with the NFL may ask the arbitrator to compel President Donald Trump to appear for deposition. The case presents interesting issues about the power of an arbitrator to

compel testimony of a nonparty, say attorneys with White and Williams LLP. [Read more »](#)

Opinion

We Must Stop Separation Of Kids From Parents At US Border

Each day, Americans learn more details about the horrors of the new federal policy of separating and detaining migrant children away from their parents. As mothers and attorneys, we have a particular revulsion to this policy and we will not let this unconscionable practice stand on our watch, say Tovah Kopan and Erin Albanese of Lawyer Moms of America. [Read more »](#)

Policy Is Changing For Technology Transfers

The Trump administration and Congress are tightening investment restrictions and export controls to address technology transfer concerns. These measures initially focus on China, but will have broader effects on investments in the United States and transfers of emerging technologies, say attorneys with Baker McKenzie. [Read more »](#)

Series

FLSA Turns 80: Modern-Day Wage Theft

The Fair Labor Standards Act fails to recognize that many of today's employees are in the best position to record their own working time. Of course, this raises questions about how an employer can commit "wage theft" when an employee is actively choosing not to follow instructions and not to record all hours worked, say Lee Schreter and Pierre-Joseph Noebes of Littler Mendelson PC. [Read more »](#)

Removing 'Control' From FINRA Quantitative Unsuitability

The Financial Industry Regulatory Authority recently proposed to remove a broker's "control" of a securities account as an element that must be proven to demonstrate a "quantitative suitability" violation under Rule

2111. This proposal would return the suitability rules to their roots, says Thomas Potter of Burr & Forman LLP. [Read more »](#)

EU Begins Catching Up To US On Trade Secret Law

The introduction of EU-wide minimum standards for the protection of trade secrets should be welcomed by U.S. businesses for two reasons, say Robert Williams and Will Smith of Bird & Bird LLP. [Read more »](#)

Opinion

US Trading Partners Defy The Rules They Claim To Support

In March, President Donald Trump imposed tariffs on steel and aluminum imports pursuant to Section 232 of the Trade Expansion Act of 1962. Subsequently, the European Union and certain other trading partners asserted that they could immediately retaliate — contradicting the World Trade Organization rules they claim to champion, say Alan Price and Robert DeFrancesco of Wiley Rein LLP. [Read more »](#)

LEGAL INDUSTRY

This Firm Is The Most Prestigious In The US, Associates Say

One firm took the title of most prestigious law firm in the U.S. in the eyes of associates for the third year running, according to the results of a survey released Wednesday. [Read more »](#)

More Law Firms Follow Cravath's Lead On Associate Pay

Munger Tolles & Olson LLP, Baker McKenzie, Schulte Roth & Zabel LLP and Brown Rudnick LLP have raised associate pay in the U.S. to match the new scale set by Cravath Swaine & Moore LLP last week, offering first-year associates a salary of \$190,000, according to internal memos that have become public. [Read more »](#)

New Slaughter, Freshfields Data Show 60% Gender Pay Gap

U.K. law firms Slaughter and May and Freshfields Bruckhaus Deringer LLP have released revised data to a parliamentary committee revealing that on average female partners and employees make 60 percent less than their male counterparts, a significantly larger pay gap than statistics they previously provided without including their partners. [Read more »](#)

Ogletree's Bid To Transfer Sex Bias Row Stalled As Suit Grows

A San Francisco federal judge held off on deciding whether to transfer a \$300 million gender discrimination suit against Ogletree Deakins Nash Smoak & Stewart PC to Orange County, California, saying Wednesday he'd let the proposed class amend its complaint to add equity shareholders, some of whom live in Northern California. [Read more »](#)

Rennert, Ex-Attys Move To Settle Row Over \$214M Verdict

The Renco Group has reached a preliminary agreement to settle a case against its former attorneys, who it claims are to blame for an "inconsistent" jury verdict that cost the company and its billionaire owner Ira Rennert \$214 million in damages. [Read more »](#)

Ex-Dewey CFO Disbarred By Fraud Scheme Felony Conviction

Former Dewey & LeBoeuf LLP chief financial officer Joel Sanders, convicted in Manhattan federal court last year on fraud and conspiracy charges, was disbarred Wednesday in New York. [Read more »](#)

Ill. Board Wants Convicted Judge Removed From Bench

The Illinois board monitoring the conduct of the state's judges has filed a formal complaint seeking the removal of a Cook County, Illinois, judge convicted in a \$1.4 million mortgage

fraud scheme, saying her failure to resign has harmed the state's judicial system. Read more »

Analysis

Costs For Financial Crisis Suits Against Attys Still Climbing

A decade and counting after the tanking global economy triggered a deluge of lawyer-targeted litigation, the costs for financial crisis-era malpractice suits continue to climb, according to insurer data released this week. Read more »

Pro Bono Spotlight

Robins Kaplan Helps Transgender Inmate Receive Treatment

A Missouri federal judge recently struck down as unconstitutional the state prison system's "freeze-frame" policy of denying hormone treatment and other health care to certain transgender inmates, a first-of-its-kind ruling that Robins Kaplan LLP attorneys helped obtain despite prison officials' insistence that no such formal policy was in place. Read more = 2

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From: Heartland Government Relations
Sent: Friday, June 22, 2018 1:02 PM
To: Rep48
Subject: The Leaflet: Millions May Soon Gain the Right to Work



Millions May Soon Gain the Right to Work

The U.S. Supreme Court will soon release its ruling on the viability of public sector unions. In the landmark case *Janus v. American Federation of State, County, and Municipal Employees* (AFSCME), the court will determine whether forced union dues are an infringement of state and local government workers' rights to freedom of speech and association.

Proponents of "open shop" or "right-to-work" (RTW) laws are confident the court will overturn *Abood v. Detroit Board of Education* (DBE), a 1977 Supreme Court decision that upheld the right for public unions to collect "fair share" or "agency fees" from non-union employees. The plaintiff in *Janus v. AFSCME*, Mark Janus, is an Illinois state employee who argued agency fees are a violation of his First Amendment rights, especially given the inherent political nature of public sector collective bargaining.

Although it is illegal to compel union membership, non-union public workers in states without RTW must often fork over agency fees to unions. These fees are used to support union collective bargaining activities and contract enforcements. Currently, state laws mandate all union and non-union public employees are represented in the collective

bargaining process by a democratically elected union, which becomes the exclusive bargaining representative.

Opponents of RTW laws argue workers who opt out of union membership should pay a fee, albeit one that is lower than union dues. Furthermore, RTW foes contend non-union employees receive the advantage of union-negotiated collective-bargaining agreements, such as high wages and top-tier benefits.

In a new *Research & Commentary*, Heartland Senior Policy Analyst Matthew Glans comments on the ramifications of a ruling in favor of Janus. "In anticipation of the upcoming ruling, many states have passed new laws, either strengthening unions or making it easier for state workers to opt out without penalties," Glans wrote.

Instead of imposing rules limiting workers' freedoms, Glans argues, "States can implement paycheck protection laws, and give workers control over their wages. States can also implement an opt-in standard for union participation, where a new worker has to choose to be in a union when they start a new job, instead of choosing to opt out. If ending the current opt-out standard is not possible, states can improve the process by requiring an opt-out only once per job or when a worker changes jobs, instead of having to wait until the end of a 12-month period."

Currently, 28 states have RTW laws, and a decision in favor of Janus should not deter the 22 other states from passing RTW laws. These laws govern all employees within the state, so both private- and public-sector workers are not obligated to pay union fees as a condition of employment. In the wake of *Janus v. AFSCME*, state legislators should pass "open shop" laws to secure the fundamental right to free speech and association for millions of workers and to grant workers sufficient notice and time to make an informed decision regarding union membership.

What We're Working On

Education

Funding Formula Committee Has Chance to Transform Public Education in Idaho

In this *Research & Commentary*, Policy Analyst Tim Benson examines how for the first time since 1994 Idaho's Public School Funding Formula Committee is considering dramatically altering the method the state uses to allot public school funding. To accommodate budgetary concerns and revolutionary shifts in the classroom, the committee will recommend changes that could be implemented in the 2019 legislative session. Benson argues the committee has an opportunity to fundamentally transform public education in Idaho by shifting the funding formula to a child-centric model, where funding follows students, not schools.

Energy & Environment

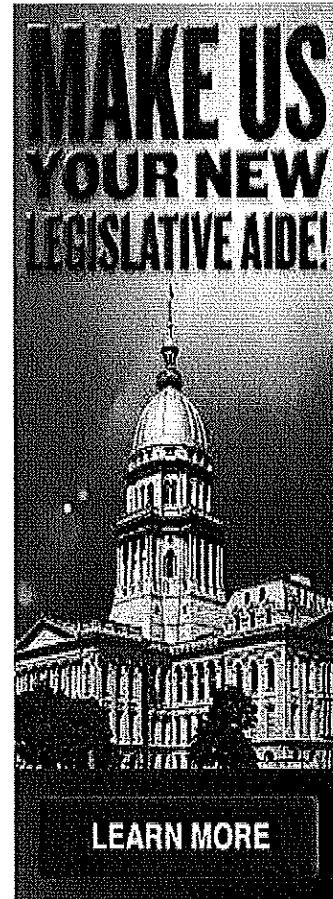
The Social Benefits of Fossil Fuels

This *Policy Brief* by Senior Fellows Joseph Bast and Peter Ferrara documents the many benefits from the historic and still ongoing use of fossil fuels. Fossil fuels are lifting billions of people out of poverty, reducing all the negative effects of poverty on human health, and vastly improving human well-being and safety by powering labor-saving and life-protecting technologies, such as air conditioning, modern medicine, and cars and trucks. Fossil fuels are also dramatically increasing the quantity of food humans produce and improving the reliability of the food supply, directly benefiting human health. Additionally, fossil fuel emissions are contributing to a "Greening of the Earth," benefiting all plants and wildlife.

Budget & Tax

Increasing Vaping Tax Would Hurt New Jerseyans Trying to Quit

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans and State Government Relations Manager Lindsey Stroud examine a new tax on vaping products now under consideration in New Jersey. "Imposing excise taxes on vapor products are not justified from a public health



POLICY NEWSPAPER

perspective, and it removes a prime economic incentive for smokers to improve their health by switching to e-cigarettes," wrote Glans and Stroud.

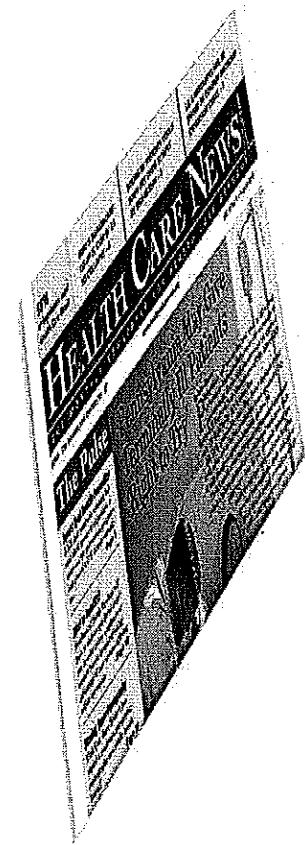
Health Care

Free To Choose Medicine in Japan: A Model for America

In this Heartland Policy Brief, Research Director Edward Hudgins examines Japan's efforts to adopt a Free To Choose Medicine model for cutting-edge tissue based cures. Hudgins also explains why Japan's success should encourage lawmakers in the United States to adopt a similar model here. "The United States is the world's leader in medical innovations, but Japan has become the innovative world leader in creating a drug-approval process that quickly makes medical breakthroughs accessible to the patients who need them the most. American policymakers need to learn from the Japanese example to ensure U.S. medical innovators do not lose their competitive edge and that the goal of these innovations is achieved: preventing and curing illnesses," wrote Hudgins.

From Our Free-Market Friends

Illinois Lawmaker Proposes Making Chicago Its Own State
In this piece published by the Illinois Policy Institute, Joe Kaiser writes about Illinois state Rep. Reggie Phillips' proposal urging "Congress to take action to declare the City of Chicago the 51st state." The possibility of Chicago becoming a state was once proposed by state Rep. Bill Mitchell, in 2011. The previous effort proved to be unsuccessful and didn't gain much support, and this new proposal looks as though it will have the same fate, as it was not voted on prior to the end of the legislative session in May. Kaiser makes the argument that "politicians would be better served focusing on reforms to make the entire state competitive, which would eliminate the contention between Chicagoans and those in the rest of the state.



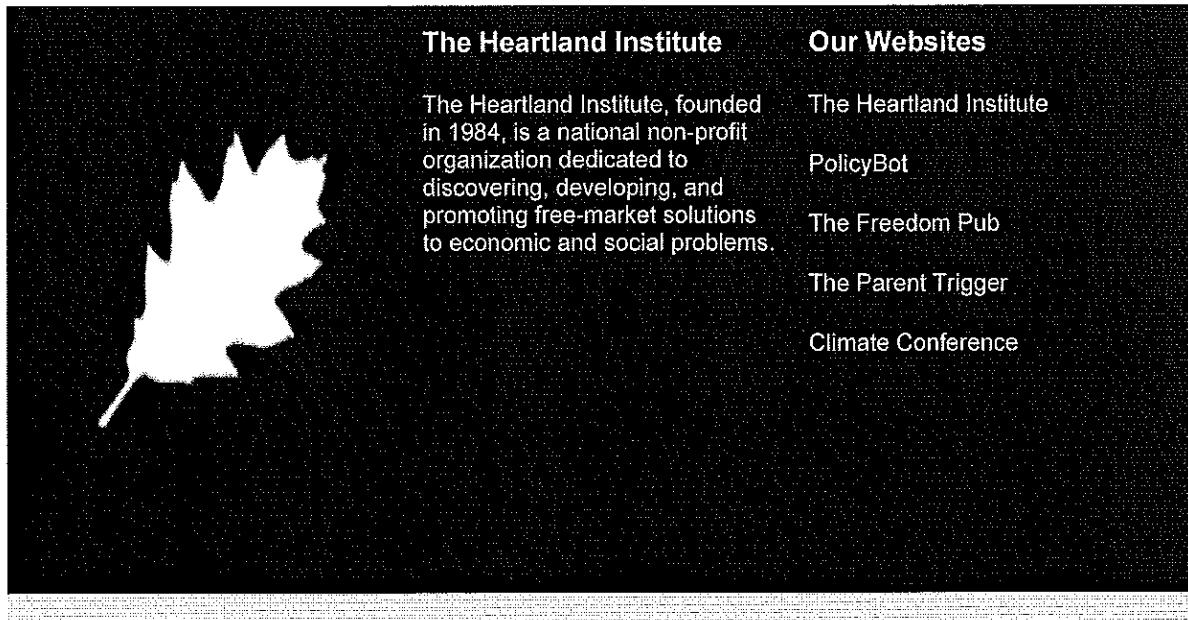
In the June issue of *Health Care News*, Zachary Williams reports on the Trump administration's new proposals to lower prescription drug prices. The proposals feature four pillars: improved competition, better negotiation, incentives for lower list prices, and

reducing out-of-pocket costs.

School Reform News

Environment & Climate News

Budget & Tax News



The Heartland Institute

The Heartland Institute, founded in 1984, is a national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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Tuesday, June 26, 2018



TOP NEWS

Justices Kick Florist Gay Bias Suit To Wash. Supreme Court

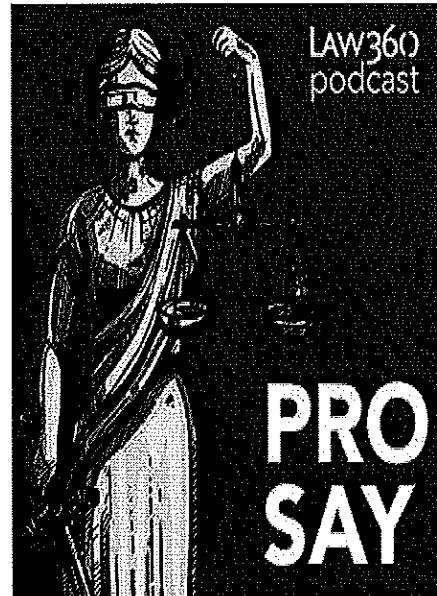
The U.S. Supreme Court on Monday told the Washington Supreme Court to reconsider whether a florist violated state law by refusing to make a flower arrangement for a gay wedding in light of the court's recent ruling that a Colorado civil rights panel had it in for a baker accused of anti-gay bias. [Read more »](#)

Supreme Court To Hear Case Against Social Security Agency

The U.S. Supreme Court agreed Monday to weigh in on whether job-market experts need to support their conclusions with data when recommending that a judge deny someone Social Security disability benefits because they allegedly could have performed other work. [Read more »](#)

Supreme Court Hands Texas Win In Redistricting Row

The U.S. Supreme Court on Monday largely sided with the state of Texas in a redistricting battle that's been ongoing since 2011, holding in a 5-4 opinion that, with the exception of one state electoral district that was a "racial



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gerrymander," the maps can be used moving forward. [Read more »](#)

6th Circ. Says Ohio Judicial Campaign Laws Constitutional

In a precedential opinion Monday, the Sixth Circuit upheld Ohio's restrictions on judicial candidates, saying limits on fundraising, open party affiliation and endorsements "toed [the] constitutional tightrope" and were designed to protect both real and perceived judicial impartiality. [Read more »](#)

EPA Kicks Off Ozone Standard Review

The U.S. Environmental Protection Agency on Monday embarked on an ambitious plan to complete its five-year review of air quality standards for ozone on time, a longtime goal for the agency, but part of the EPA's new methodology has been criticized as too accommodating to industry interests. [Read more »](#)

DHS Stands By Decision To End DACA In DC Court Challenge

The U.S. Department of Homeland Security defended its plan to end the Deferred Action for Childhood Arrivals program, arguing in a memo Friday that the 2012 program protecting certain young unauthorized immigrants from deportation was illegal. [Read more »](#)

Trump Not Eyeing Broader Investment Restrictions: Adviser

A trade adviser to President Donald Trump asserted on Monday that the administration is not considering imposing broad foreign investment restrictions as part of the nation's response to its current intellectual property and trade conflicts with China and other countries. [Read more »](#)

BANKING & SECURITIES

Cravath Swaine
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Foley & Lardner
Gibson Dunn
Hall Lamb
Hillis Clark
Hogan Lovells
Hudson Cook
Jenner & Block
Jones Day
Kamer Zucker
King & Spalding
Kirkland & Ellis
Manatt Phelps
Matheny Sears
Mayer Brown
Milbank Tweed
Morrison & Foerster
Native American Rights Fund
Norris McLaughlin
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Rosette LLP
Rushford & Bonotto
Schiff Hardin
Schulte Roth
Sedgwick LLP
Snell & Wilmer
Stoel Rives
Susman Godfrey
Thierman Buck
White & Case
Williams & Connolly
WilmerHale

High Court To Decide Service Row In USS Cole Bombing Case

The U.S. Supreme Court will take up an appeal over service requirements under the Foreign Sovereign Immunities Act that's triggered a split in the circuit courts, granting on Monday Sudan's bid to review whether victims of the 2000 USS Cole bombing are entitled to a \$315 million default judgment after case documents were sent to the country's U.S. embassy. [Read more »](#)

ENERGY & ENVIRONMENTAL

DOL's Mine Office Looking Into New Vehicle, Conveyor Rules

The U.S. Department of Labor's mine safety office may issue new regulations aimed at reducing deaths related to mining vehicle accidents and the use of belt conveyor systems, according to an information request set to be published in the Federal Register on Tuesday. [Read more »](#)

Senate Passes Energy, Water, Construction Spending Bill

The Senate passed a bill providing tens of billions of dollars in federal spending on energy and water projects, military construction and veterans' affairs Monday, the first funding bill for the next fiscal year to pass the chamber. [Read more »](#)

NRDC Asks High Court To Back EPA Authority In HFC Row

The National Resource Defense Council on Monday asked the U.S. Supreme Court to take on its challenge to an appeals court's determination that the U.S. Environmental Protection Agency rule forcing manufacturers to stop using hydrofluorocarbons was invalid, arguing the decision "relegates EPA to the role of neighborhood scold." [Read more »](#)

EMPLOYMENT

Winston & Strawn

COMPANIES

7-Eleven Inc.

Adidas AG

Alliance Defending Freedom

Amazon.com Inc.

American Cable Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Federation of Teachers

American Petroleum Institute Inc.

American Trucking Associations Inc.

Ames & Gough

Archdiocese of Washington

Arkema SA

Cambridge University Press Ltd.

Chevron Corp.

DISH Network Corporation

FedEx Corp.

Ford Motor Co.

Goldman Sachs Group Inc.

Harley-Davidson, Inc.

Integrity Staffing Solutions

Ironshore Inc.

Kimpton Hotel & Restaurant Group LLC

Mexican American Legal Defense and Education Fund

Microsoft Corporation

NFL Enterprises LLC

National Employment Law Project

National Immigration Law Center

National Mining Association

National Restaurant Association

Natural Resources Defense Council

Justices Turn Away Tip Pool Suits After Congress Steps In

The U.S. Supreme Court on Monday turned away two appeals challenging the U.S. Department of Labor's 2011 rule barring businesses from making tipped workers share their gratuities with nontipped workers such as dishwashers, declining the cases after Congress pulled parts of the rule in this year's federal spending bill. [Read more »](#)

Ex-NJDOT Ethics Officer Can't Duck Suspension, Court Says

A New Jersey state appeals court on Monday refused to disturb a five-day suspension issued to a former ethics liaison officer at the state Department of Transportation for not completing 1,267 ethics forms and not providing ethics training to 119 new agency employees before he was transferred to another position. [Read more »](#)

CONSUMER PROTECTION

Analysis

NY Ruling Could Fuel Push To Turn CFPB Into Commission

A Manhattan federal judge's recent ruling that the Consumer Financial Protection Bureau is structured unconstitutionally could strengthen the hand of those who want to convert the agency's leadership from a single director to a bipartisan commission, experts said. [Read more »](#)

INTERNATIONAL TRADE

EU, China Eye Closer Economic Ties Amid Trump Trade Brawl

As the Trump administration imposes and threatens new trade barriers on key allies, two of its largest trading partners, the European Union and China, held talks on Monday to draw their economies closer together through a

New York Times Co.

PHH Corporation

Public Company Accounting Oversight Board

QBE Insurance Group

Quill Corp.

Saudi Arabian Oil Co.

Sierra Pacific Industries Inc.

The DIRECTV Group, Inc.

The Florida Bar

Twitter Inc.

Valeo SA

Wayfair LLC

XL Catlin

GOVERNMENT AGENCIES

American Battle Monuments Commission

Army Corps of Engineers

Bureau of Reclamation

Bureau of Safety and Environmental Enforcement

California Natural Resources Agency

Consumer Financial Protection Bureau

Eastern Shoshone Tribe

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

Federal Communications Commission

Federal Trade Commission

Internal Revenue Service

Massachusetts Legislature

Michigan Department of Treasury

Mine Safety and Health Administration

range of trade liberalization initiatives. Read more »

Harley-Davidson Eyeing Offshore Move To Skirt EU Tariffs

Motorcycle giant Harley-Davidson said Monday that it is considering moving some of its production out of the U.S. in order to elude steep tariffs on its products that the European Union has imposed in retaliation for the Trump administration's sweeping steel and aluminum duties. Read more »

TAX

Supreme Court Will Hear Narrowed W.Va. Tax Retirees Case

The U.S. Supreme Court on Monday agreed to hear a limited question on West Virginia's tax treatment of a federal U.S. marshal's retirement benefits, a case that could clarify how the doctrine of intergovernmental tax immunity applies to narrow state employee tax exemptions. Read more »

Mass. Approves 'Grand Bargain' Bill With Sales Tax Holiday

The Massachusetts Legislature has agreed to a compromise bill known as a "grand bargain," establishing a permanent yearly sales tax holiday, increasing the state's minimum wage to \$15 an hour by 2023 and extending paid medical and family leave. Read more »

NJ Gov. Pokes Holes In Legislature's Revenue Projections

New Jersey Gov. Phil Murphy on Monday afternoon pushed back on the Legislature's own \$36.5 billion budget passed last week, arguing he will veto the plan because its projected revenues and savings lacked long-term sustainability but giving little indication of progress to head off a possible government shutdown. Read more »

New Jersey Department of Transportation

New Jersey Legislature

Northern Arapaho Tribe

Office of Foreign Assets Control

Ohio Supreme Court

Omaha Tribe of Nebraska

Securities and Exchange Commission

Social Security Administration

Texas Legislature

U.S. Army

U.S. Attorney's Office

U.S. Customs and Border Protection

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

United States District Court for the Eastern District of Pennsylvania

World Trade Organization

Wyoming Attorney General's Office

NJ Senate Sends Payroll Tax Bill For Jersey City To Gov.

The New Jersey Senate sent the governor a bill Monday that would allow Jersey City to impose a payroll tax to pay for school districts despite industrial groups' complaints that such taxes make municipalities less friendly to businesses. [Read more »](#)

Analysis

Tax Guidance Maintains Sunny Outlook For Solar Developers

Solar developers got some good news last week when the Internal Revenue Service issued guidance ensuring they will enjoy the same level of federal tax credit eligibility as wind power developers, which experts say means the government will shoulder some of the elevated costs of solar projects caused by Trump administration tariffs. [Read more »](#)

IMMIGRATION

Border Patrol Won't Send Crossers With Kids To Prosecutors

U.S. Customs and Border Protection has stopped referring people who've crossed the Mexican border with children to prosecutors in a move the agency characterized Monday as a necessary step to implement President Donald Trump's executive order barring splitting up migrant families. [Read more »](#)

Ariz. Barred From Denying Licenses To Certain Immigrants

Arizona's policy of denying driver's licenses to certain immigrants who've been granted deferred action on their legal status by the federal government has been deemed unconstitutional and blocked by a federal judge. [Read more »](#)

Trump Draws Ire For Demanding Deportation Without Courts

The White House press secretary defended President Donald Trump's tweets suggesting

that unauthorized border crossers should be deported without judicial proceedings despite widespread condemnation from the legal community, saying Monday that immigrants who do not have hearing before a judge still retain due process rights. [Read more »](#)

NATIVE AMERICAN

High Court Won't Hear Tribes' Appeal Of Reservation Ruling

The U.S. Supreme Court on Monday declined to hear the Eastern Shoshone and Northern Arapaho tribes' challenges to a Tenth Circuit ruling that the tribes' shared Wyoming reservation was shrunk by a 1905 law. [Read more »](#)

TELECOMMUNICATIONS

FCC Raises Telemedicine Program Cap To \$571M

The Federal Communications Commission voted Monday to raise the cap on its rural health care program to \$571 million, in a move hailed as helping underserved areas gain access to modern medical services through technology. [Read more »](#)

FCC Must Even Cable, IPTV And Satellite Fees, Groups Say

The Federal Communications Commission should hike regulatory fees assessed on DirecTV and DISH Network to align them with burdens already shouldered by cable and internet-protocol-based TV programmers, industry groups recently argued. [Read more »](#)

WHITE COLLAR

Allentown Mayor's Promise To Atty Not Bribery, Judge Told

Evidence of a general promise of future city legal work in exchange for campaign contributions to the now-convicted former mayor of Allentown, Pennsylvania, was not

enough to convict ex-Norris McLaughlin & Marcus PA partner Scott Allinson for bribery, a federal judge heard Monday. [Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: 6 Things I Learned In Congress

I found that senior members of Congress didn't have time to mentor younger members. Lawyers — though just as busy as members of Congress — cannot afford to follow this model, says former Rep. Charles Gonzalez, D-Texas, of Ogletree Deakins Nash Smoak & Stewart PC. [Read more »](#)

Lucia Leaves Many Important Questions Unanswered

Predicting the impact of the U.S. Supreme Court's decision in Lucia is far from simple. Litigants cannot be sure how the U.S. Securities and Exchange Commission will handle pending matters, and the SEC cannot be sure how administrative law judges should be appointed in the future to avoid additional judicial scrutiny, say attorneys with Morrison & Foerster LLP. [Read more »](#)

FLSA At 80: It's More Important Than Ever

Today, wages are stagnating while CEO and executive pay continue to skyrocket, many workers in low-wage industries struggle to bring home minimum wage due to weakly enforced wage theft laws, and some employers are finding more ways to outsource work and evade responsibility for their workers. We need the Fair Labor Standards Act more than ever, says Catherine Ruckelshaus, general counsel at the National Employment Law Project. [Read more »](#)

Opinion

Asylum Seekers Lose Under AG Sessions' New Restrictions

Attorney General Jeff Sessions recently issued a decision limiting the availability of asylum for women and children who suffer domestic violence in their home country, vacating existing precedent and delivering a blow to victims of domestic violence from countries without institutions to protect them, says Jim Feroli, pro bono coordinator and government liaison at Catholic Charities, Archdiocese of Washington. [Read more »](#)

Will The Robots Who Replace Us Also Pay Income Tax?

Modern information technology, intelligent algorithms and production robots are strongly influencing the working world in the 21st century. This article, by attorneys at CMS Francis Lefebvre, provides an overview of the future labor market as well as the impact of artificial intelligence on labor law and tax issues. [Read more »](#)

BSEE Listened To Industry In Well Control Rule Revisions

The U.S. Bureau of Safety and Environmental Enforcement issued its 2016 well control rule in the wake of the Deepwater Horizon disaster. The revisions it proposed last month respond to complaints that the rule failed to account for best available, economically feasible safety technologies, and set out requirements that were neutral in benefit but rendered some wells uneconomical, say attorneys with King & Spalding LLP. [Read more »](#)

Venezuela Sanctions Complicate Compliance For Cos.

New sanctions issued by President Donald Trump last month prohibit transactions involving the purchase of any debt owed to the Venezuela government. The challenge for firms that buy and sell securities is that the interest of a sanctioned party in any given security or transaction may not be readily apparent, say attorneys with Schulte Roth & Zabel LLP. [Read more »](#)

LEGAL INDUSTRY

Susman Godfrey Outranks Cravath With Higher Associate Pay

Susman Godfrey LLP has topped the associate compensation scale put forth two weeks ago by Cravath Swaine & Moore LLP by offering an additional \$5,000 for each class of attorneys, the Texas-based law firm said Monday. [Read more »](#)

Chicago Landlord Says Defunct Sedgwick Law Firm In Default

The owner of the building that housed Sedgwick LLP's Chicago office asked a California state court for an entry of default against the now-defunct law firm and its partners Friday, a request that came almost three months after the landlord filed a suit alleging breach of contract and seeking more than \$450,000 in damages. [Read more »](#)

Big Legal Malpractice Claim Payouts Up As Volume Stays Flat

The number of allegations of blown cases and bad legal advice last year appeared steady even as the number of mega-sized malpractice bills continued to grow, according to insurer data released Monday. [Read more »](#)

Justices Decline Recusal Question On Judge's Alleged Tweets

The U.S. Supreme Court on Monday declined to hear a bid by Sierra Pacific Industries Inc. to overturn a Ninth Circuit decision upholding a \$55 million California wildfire settlement and acreage transfer in a case where a federal judge's allegedly improper tweets were also at issue. [Read more »](#)

Interview

15 Minutes With Kimpton Hotels' General Counsel

Throughout her law career, Melinda Stier has had two stints at Kimpton Hotels & Restaurants, a path she refers to as a

"boomerang." From 2004 until 2007, she worked as vice president and assistant general counsel, and now she is at the top of the legal rung. Here, Stier shares ways the hotel industry is adapting to changes in technology and the most important skills for a general counsel that she didn't learn in law school.

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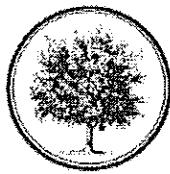
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From: The Buckeye Institute
Sent: Wednesday, June 27, 2018 10:47 AM
To: Rep48
Subject: The Buckeye Institute: Reducing Ohio's Regulatory Burden Would Boost the Economy and Grow Jobs



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
June 27, 2018

The Buckeye Institute: Reducing Ohio's Regulatory Burden Would Boost the Economy and Grow Jobs

Greg Lawson Testifies Before the Ohio Senate Transportation, Commerce, and Workforce Committee

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio Senate Transportation, Commerce, and Workforce Committee on Senate Bill 293.

In opening his testimony, Lawson recognized the importance of regulations that protect public health and safety, but pointed out that "Ohio desperately needs regulatory reform that eliminates unnecessary regulations that strangle private industry and enterprise as part of the state's broader reform efforts to boost economic growth."

Highlighting Ohio's onerous occupational licensing regime as a good place to begin reducing Ohio's regulatory burden, Lawson noted that the licensing requirements of professions such as auctioneers, travel guides, hairdressers, and flower arrangers, to name a few, do little-to-nothing to protect public health and safety, but add to Ohio's regulatory burden and Ohio's "economy and citizens suffer for it."

Lawson noted that Buckeye's research on **occupational licensing** and **forced government energy mandates** has shown the negative impact and economic trade-offs over regulation

has on job creation, stating, "Ohio must also reexamine government mandates that interfere with market-pricing and make goods artificially more expensive for businesses. Such interference ultimately leads to slower job growth as businesses curtail hiring and wages in order to offset the artificially higher costs created by the mandates."

In closing, Lawson praised the Senate's efforts to "develop a meaningful process to methodically and thoughtfully reduce regulatory restrictions and burdens on all Ohioans."

#

**Interested Party Testimony on Senate Bill 293
Before the Ohio Senate Transportation, Commerce, and Workforce Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
June 27, 2018**

Chairman LaRose, Vice Chair Kunze, Ranking Member Schiavoni, and members of the Committee, thank you for the opportunity to testify today regarding the need for regulatory reform in Ohio and Senate Bill 293.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

The Buckeye Institute applauds the Senate for taking up regulatory reform in an effort to cut bureaucratic red tape. Ohio desperately needs regulatory reform that eliminates unnecessary regulations that strangle private industry and enterprise as part of the state's broader reform efforts to boost economic growth. If Ohio does not focus its regulations and rules on protecting the public from genuine harm, the state will continue to see slow growth and low prosperity.

Some regulations, of course, are essential for preserving public health and safety. No one wants doctors using unsterilized medical equipment, or inadequately trained engineers designing bridges, or toxic chemicals polluting our soil and waterways. Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers helps safeguard the general public in our hospitals and on our roads and runways. But the same cannot be said with respect to auctioneers, travel guides, and hairdressers -- all currently subject to Ohio's byzantine and overly restrictive licensing requirements.

Occupational licensing restrictions present a growing problem at both the state and national level. In 2008, nearly 30 percent of the U.S. workforce was required to hold a license in order to go to work.[1] In 1970, that number was only 10 percent.[2] But even as the scope of occupational licensure has expanded, it is unclear that such licensure has added much value to or improved the quality of goods and services. Studies have shown, for example, that stricter licensure requirements have had little effect on the quality of care provided by dentists[3] or on the quality of service offered by flower arrangers.[4] That dentists are subject to licensing requirements is not troubling or surprising, but that flower arranging should require the state's permission slip is -- which makes the lack of any noticeably improved quality all the more concerning.

And although some occupational licensing does indeed provide the public with some residual benefit, that benefit is not without cost. Expansive licensing schemes costs the community jobs.

Professor Morris Kleiner testified before the U.S. Senate Judiciary Committee that his research concluded that licensing laws cost between a half and one percent of jobs nationally in 2010.[5] Those seemingly small percentages amount to tens of thousands of unborn jobs across America that never came into existence -- a claim bolstered by research out of the Brookings Institute's Hamilton Project revealing that stringent licensing requirements result in fewer providers of the services subject to the requirements.[6] Fewer providers means fewer employers and fewer available jobs.

Perhaps unsurprisingly, given Professor Kleiner's findings, the Obama Administration released a detailed report in 2015 calling for nationwide reforms to occupational licensing.[7] Echoing bipartisan support for such measures, the Trump Administration's Secretary of Labor has since recognized that:

"Americans want principled, broad-based reform. If licenses are unnecessary, eliminate them. If they are needed, streamline them. And, if they are honored by one state, consider honoring them in your own state. Americans looking to enter the workforce deserve no less than our most ardent efforts to remove regulatory barriers so that they can have a job."^[8]

Ohio, unfortunately, continues to contribute to the nation's licensing crisis -- and its economy and citizens suffer for it.

The Buckeye Institute's report, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, showed not only that Ohio's licensing burdens are more stringent than the national average, but also that nearly every Ohio license that requires training can be earned in less

time in another state.[9] Our subsequent study, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, confirmed the disturbing and stubborn fact that Ohio's licensing requirements erect higher barriers to employment for those most in need of quality jobs: middle-aged and low-income workers, and those without a college degree.[10]

Our macroeconomic dynamic model, developed by economists at The Buckeye Institute's **Economic Research Center**, revealed that Ohio's licensing requirements have prevented more than 7,000 people between the ages of 25-45 from pursuing licensed occupations, and have discouraged people from migrating to Ohio to enter the job market. The model also showed that high licensing costs keep workers from good-paying professions, and suggests that without such costs more workers would find employment.[11]

Consider Jennifer McClellan. A new mother, a long-time professional, and a licensed massage therapist, Ms. McClellan tried moving back to Ohio to be closer to her family, but the Ohio State Medical Board denied her license application because she was 10 days shy of the state's training requirements.[12] The board unduly discounted years of training and work experience, and would not honor the license she had already earned in Minnesota.

Ms. McClellan is not alone. Ohio cosmetologists, for example, must complete 250 more hours of training than their peers in Pennsylvania and 500 more hours than hairdressers in New York.[13] Such onerous cosmetology training requirements become laughable when compared to the 150 hours of training required to be a state certified Emergency Medical Technician (EMT).[14] Requiring cosmetologists to have *10 times* the training of basic EMTs, makes the case for licensing reform as clear as can be.

Beyond occupational licensing reform, Ohio must also reexamine government mandates that interfere with market-pricing and make goods artificially more expensive for businesses. Such interference ultimately leads to slower job growth as businesses curtail hiring and wages in order to offset the artificially higher costs created by the mandates. Ohio's Renewable Portfolio Standard (RPS), for example, has a very limited effect on public safety, but a tragically negative effect on job creation and employment.[15]

Advocates of Ohio's RPS requirements assured that the standard would create jobs while making the environment cleaner and healthier. Unfortunately, as The Buckeye Institute's research has shown, the RPS actually results in fewer jobs across the state.[16] Using a realistic scenario, our dynamic macroeconomic model estimated that Ohio's current RPS could mean as many as 63,000 *fewer* jobs in Ohio by 2022.[17] Using even more conservative assumptions, the study estimated that the RPS will cost more than 25,400 people employment by 2022.[18] Renewable energy will undoubtedly play a larger role in

the state and national energy mix, but Ohio's mandates make energy prices higher today and create significant red-tape hurdles for manufacturers who are forced to spend more money to meet their energy needs and less on hiring.

Other academic research supports our concerns about the dire impact that regulations have on job creation. The Regulatory Studies Center at George Washington University, for instance, has noted that most empirical analyses find that regulation has a negative effect on entrepreneurship,[19] which should concern lawmakers because research also shows that first-year entrepreneurial start-ups have historically been net job creators even as existing businesses are net job destroyers.[20] Thus, regulations that harm entrepreneurship, harm job growth.

The Ohio Senate's more recent steps to improve the state's regulatory environment, such as Senator Uecker's Senate Bill 221 allowing the Joint Committee on Agency Rule Review to conduct more immediate reviews of rules and their effects, and Senator McColley's Senate Bill 255 reforming Ohio's occupational licensing regime, are steps in the right direction.

Senate Bill 293 builds upon those efforts by requiring state agencies to review their existing rules and identify those rules that have regulatory restrictions that include the words "shall," "must," "require," "shall not," "may not," and "prohibit." When the Mercatus Center at George Mason University studied the use of these regulatory words and corresponding restrictions across multiple states, it concluded that Ohio compares poorly.[21] Despite some methodological limitations, the Mercatus Center study offers a rough quantification of the regulatory burden that the Ohio Administrative Code imposes on Ohioans.[22] Senate Bill 293 makes good use of the Mercatus study by requiring every state agency to take a closer look at its existing restrictions and then requiring them to prepare a base inventory of those restrictions in order to begin limiting and reducing their numbers.

Canada's British Columbia adopted a similar policy creating a regulation inventory and then capping the maximum allowable regulatory restrictions.[23] Since 2001, British Columbia has reduced its regulatory restrictions by nearly 50 percent -- and without endangering public safety.[24]

A comprehensive inventory of agency restrictions will give policymakers a clearer picture of where the state's bureaucratic red tape truly lies; and a cap on regulatory restrictions will compel agencies and the General Assembly to carefully consider and prioritize any new restriction proposed. Senate Bill 293 advances the Senate's yeoman's effort to develop a meaningful process to methodically and thoughtfully reduce regulatory restrictions and burdens on all Ohioans.

Thank you for your time and consideration. I welcome any questions that the Committee might have.

-
- [1] Morris M. Kleiner, *Occupational Licensing: Protecting the Public Interest or Protectionism?*, W.E. Upjohn Institute for Employment Research, July 2011.
 - [2] *Ibid.*
 - [3] Morris M. Kleiner and Robert T. Kudrle, **Does Regulation Affect Economic Outcomes?: The Case of Dentistry**, working paper, National Bureau of Economic Research, January 1997.
 - [4] Dick M. Carpenter, **Blooming Nonsense: Licensure and Consumer Protection**, *Regulation*, Spring 2011, Volume 34 Issue 1, p. 44-47.
 - [5] Morris M. Kleiner, **License to Compete: Occupational Licensing and the State Action Doctrine**, Testimony before the U.S. Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, February 2, 2016.
 - [6] Morris M. Kleiner, *Reforming Occupational Licensing Policies*, The Hamilton Project, March 2015.
 - [7] The White House, **Occupational Licensing: A Framework for Policymakers**, July 2015.
 - [8] Secretary of Labor Alexander Acosta, Speech before the 44th Annual Meeting of the American Legislative Exchange Council, U.S. Department of Labor, July 21, 2017.
 - [9] Tom Lampman, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, The Buckeye Institute, November 18, 2015.
 - [10] Orphe Pierre Divounguys, PhD, Bryce Hill, and Greg R. Lawson, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, The Buckeye Institute, December 18, 2017.
 - [11] *Ibid.*
 - [12] Greg R. Lawson, **Goodbye, Ohio. A Talented Massage Therapist Forced to Leave State Because of Crazy Licensing Rules**, The Buckeye Institute, February 29, 2016.
 - [13] Ohio Revised Code §4713.28.
 - [14] Ohio Administrative Code §4765-15-05.
 - [15] Orphe Divounguy, PhD., Rea S. Hederman, Jr., Joe Nichols, and Lucas Spitzwieser, *The Impact of Renewable Portfolio Standards on the Ohio Economy*, The Buckeye Institute, March 3, 2017.
 - [16] Greg R. Lawson, research fellow, The Buckeye Institute, Testimony Before the Ohio Senate Energy and Natural Resources Committee, June 6, 2018.
 - [17] *Ibid.*
 - [18] *Ibid.*
 - [19] Ana Maria Zarate Moreno, **Regulation, Innovation, and Entrepreneurship: A Review of the Literature**, Regulatory Studies Center, George Washington University, December 8, 2015.
 - [20] Tim Kane, *The Importance of Startups in Job Creation and Job Destruction*, Ewing Marion Kaufman Foundation, September 9, 2010.
 - [21] James Broughel and Jonathan Nelson, **A Snapshot of Ohio Regulation in 2018**, Mercatus Center, February 26, 2018.
 - [22] The Mercatus study counts all restrictive words but does not distinguish between those restrictions that apply to Ohio citizens or businesses from those that apply to state agency actions and thus might actually prove beneficial. The study also does not distinguish between rules that are imposed strictly by the state from those that incorporate federally imposed mandates.
 - [23] **Regulatory and Service Improvement BC: How We Count**, Province of British Columbia (Last visited June 25, 2018).

[24] Ministry of Small Business and Red Tape Reduction and Responsible for the Liquor Distribution Branch, *Achieving a Modern Regulatory Environment: B.C.'s Regulatory Reform Initiative*, Province of British Columbia, 2017.

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

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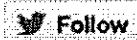
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To: Rep48
Subject: Life After Kennedy: 1 Big Question, 6 Judges To Watch



Thursday, June 28, 2018



KENNEDY RETIRES

Feature

When Partisan Passion Raged, Kennedy Was The Vote To Get

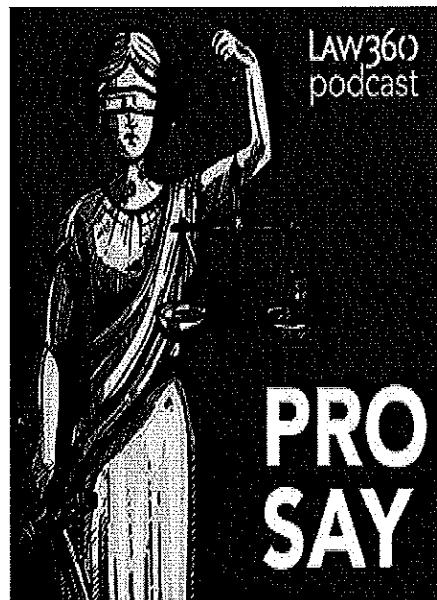
Throughout his three-decade run on the U.S. Supreme Court, Associate Justice Anthony Kennedy leveraged his precious swing vote to forge robust legacies in free speech, LGBT rights and capital punishment, clerks and court watchers told Law360 after the justice announced his retirement Wednesday. [Read more »](#)

Justice Kennedy's Retirement To Upset High Court Balance

Associate Justice Anthony Kennedy, 81, the U.S. Supreme Court's most senior member, is stepping down from the bench, the court announced Wednesday. His retirement will hand President Donald Trump the chance to replace a crucial swing vote and shift the ideological balance of the court to the right. [Read more »](#)

GOP Kicks Off Race To Confirm Kennedy Replacement

Supreme Court Justice Anthony Kennedy's retirement announcement Wednesday echoed like a starting gun in the Senate, setting off a sprint from Senate Republicans who said they



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Bradley Arant

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Carlton Fields

Clifford Chance

Cozen O'Connor

plan on having his replacement confirmed before the fall elections. Read more »

Analysis

Life After Kennedy: 1 Big Question, 6 Judges To Watch

President Donald Trump made it clear Wednesday that the world already knows the name of the person he is going to nominate to replace retiring Associate Justice Anthony M. Kennedy. The question is, which name will it be? Read more »

Analysis

From Iqbal To Citizens United: Kennedy's Biggest Decisions

In his three decades on the high court, Justice Anthony Kennedy authored opinions that changed the rules for federal civil litigation, opened the floodgates for corporations and unions to fund campaign advertisements, and reshaped the legal landscape for women and same-sex couples. Read more »

'Goodbye, Tony!' Justices Bid Farewell To Kennedy

As U.S. Supreme Court Justice Anthony Kennedy prepares to step down after three decades on the bench, his colleagues stepped forward to share stories about the man they know as "Tony," describing a thoughtful coworker who built enduring friendships and made a lasting mark on the legal landscape. Read more »

TOP NEWS

Justices Rule Against Unions In Public Worker Fees Fight

The U.S. Supreme Court on Wednesday held that public-sector workers who aren't union members can't be forced to pay "agency fees" that cover the cost of collective bargaining, overturning 41-year-old precedent that found those fees constitutional and dealing a financial blow to organized labor. Read more »

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Crowell & Moring
Foley & Lardner
Fried Frank
Haynes and Boone
Hinshaw & Culbertson
Hochman Salkin
Jenner & Block
Jones Day
Kellogg Hansen
Kilpatrick Townsend
Kirkland & Ellis
Latham & Watkins
Milbank Tweed
Morris Manning
Morrison & Foerster
O'Melveny & Myers
Patterson Belknap
Paul Weiss
Pierce Atwood
Quinn Emanuel
Riley Safer
Skadden
Strasburger & Price
Susman Godfrey
Thompson & Knight
White & Case
Williams & Connolly
WilmerHale
Winston & Strawn

COMPANIES

AT&T Inc.
Airbnb Inc.
Alliance Defending Freedom
Amazon.com Inc.
American Arbitration Association
American Bar Association
American Civil Liberties Union

Supreme Court Backs Fla. In Water Fight With Ga.

The U.S. Supreme Court on Wednesday rejected a special master's report that denied Florida's request to cap Georgia's water usage from a Southeastern river basin, ruling that Florida had sufficiently shown that a remedy is possible and sending the case back to the special master [Read more »](#)

EPA Moves Toward Limiting CWA Permit Veto Powers

The U.S. Environmental Protection Agency announced on Wednesday that Administrator Scott Pruitt wants to do away with the agency's power to veto at any time permits allowing waste from mining and infrastructure projects to be dumped into waters of the United States, including wetlands. [Read more »](#)

Full 7th Circ. Pauses Nationwide Ruling In Sanctuary Row

The full Seventh Circuit on Tuesday paused the nationwide impact of a lower court's order temporarily barring the Trump administration from withholding public safety funds from so-called sanctuary cities, limiting the order to the city of Chicago. [Read more »](#)

Judges' Back Pay Win Affirmed By Calif. Appeals Court

A California judge was acting within his authority when he ordered the Golden State's government to make \$36 million worth of back wage and pension payments to a class of current and former judges, a state appeals court ruled Tuesday. [Read more »](#)

BANKING & SECURITIES

SEC Seeks Comment On Cboe Rule Change For Bitcoin ETF

The U.S. Securities and Exchange Commission is seeking public comment on a proposed rule change by Cboe BZX Exchange Inc. to list an exchange-traded fund physically

American Federation of State, County and Municipal Employees

American Immigration Council

Arkema SA

CBS Corporation

Cato Institute

Comcast Corporation

Consumer Reports

Entercom Communications Corp.

Entercom Communications Corporation

Expedia Inc.

Facebook

Federalist Society

Financial Industry Regulatory Authority Inc.

First Quantum Minerals

Google Inc.

Instagram Inc.

Intel Corp.

Kids in Need of Defense

Lambda Legal Defense & Educational Fund

LinkedIn Corp.

Lockheed Martin Corp.

Lyft Inc.

McDonald's Corporation

Microsoft Corporation

National Right to Work Legal Defense Foundation

Natural Resources Defense Council

Netflix Inc.

Northern Dynasty Minerals Ltd.

Planned Parenthood Federation

Public Company Accounting Oversight Board

Public Knowledge

Sompo International Holdings Ltd.

Southern Poverty Law Center

backed by bitcoin that would cost about \$200,000 per share, according to a notice Tuesday. [Read more »](#)

ENERGY & ENVIRONMENTAL

NRDC, States Fight EPA Rollback Of Hydrofluorocarbons Rule

The Natural Resources Defense Council and a coalition of attorneys general and state agencies launched D.C. Circuit challenges on Tuesday to the U.S. Environmental Protection Agency's rollback of Obama-era limits on hydrofluorocarbons, which are used in products like spray cans, air conditioners and refrigerators. [Read more »](#)

HEALTH & LIFE SCIENCES

GAO Says It Lacks Info To Finish Probe Into Zinke's Calls

The U.S. Government Accountability Office on Wednesday said it cannot determine whether allegedly threatening phone calls U.S. Department of the Interior Secretary Ryan Zinke made to Alaska senators over a health care bill flouted an anti-lobbying rule because the department has refused to give it information about the substance of the calls. [Read more »](#)

CYBERSECURITY & PRIVACY

Cybersecurity On The Hill: ZTE, Bots And The OPM Breach

Cybersecurity issues were the focus of legislators from both sides of the aisle this week: President Trump was urged to reinstate the sanctions against ZTE Corp., a bill regulating social media bots was introduced in the Senate, and a congressman sought more information on the U.S. Office of Personnel Management breach. [Read more »](#)

Calif. Internet Privacy Bill Heads To Vote As Cos. Back Off

T-Mobile USA Inc.
TechFreedom
Texas RioGrande Legal Aid Inc.
Twitter Inc.
U.S. Chamber of Commerce
Verizon Communications Inc.
Washington Post Co.
ZTE Corp.
Zillow Inc.
eBay Inc.

GOVERNMENT AGENCIES
Army Corps of Engineers
California Attorney General's Office
Congressional Research Service
Department of Commerce
Equal Employment Opportunity Commission
European Union
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Election Commission
Federal Reserve System
Federal Trade Commission
Florida Department of Environmental Protection
Government Accountability Office
Internal Revenue Service
International Trade Commission
NATO
National Railroad Passenger Corporation
New York Attorney General's Office
Occupational Safety and Health Administration
Office of the Comptroller of the Currency

California lawmakers are barreling toward a Thursday vote on proposed internet privacy legislation that would head off a sweeping ballot initiative to give consumers more insight into and control over how companies are collecting and sharing their personal data, a move that a major internet industry group has decided not to block. [Read more »](#)

MEDICAL MALPRACTICE

Rutgers Doc Escapes Med Mal Suit Over Absent Claim Notice

The New Jersey Appellate Division ruled Wednesday that a woman cannot revive her medical malpractice action against a doctor working for Rutgers University, because she did not file a tort claim notice after the physician "unequivocally disclosed" that he was a state employee entitled to such notification. [Read more »](#)

AEROSPACE & DEFENSE

US State Dept. Official Threatens Turkey With F-35 Cutoff

A U.S. Department of State official warned that if Turkey goes ahead with the planned purchase of a missile defense system from Russia, Turkey will risk losing access to U.S.-made military technology, including the F-35 fighter jet. [Read more »](#)

INTERNATIONAL TRADE

Steel Users Aim To Wipe Out Security-Based Tariffs

A coalition of steel users filed a sweeping legal challenge to the Trump administration's 25 percent steel tariff at the U.S. Court of International Trade on Wednesday, arguing that the Cold War-era national security law used to implement the levy is unconstitutional. [Read more »](#)

Pennsylvania Department of Environmental Protection
Securities and Exchange Commission
U.S. Army
U.S. Customs and Border Protection
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Office of Personnel Management
U.S. Supreme Court
U.S. Tax Court

GOP Sens. Stymied In Attempt At Trump Tariff Rollbacks

A pair of Republican senators launched an ultimately failed attempt Wednesday to have the Senate vote on a measure that would place restrictions on President Donald Trump's ability to impose national security tariffs, arguing that he has gone too far in placing duties on American allies. [Read more »](#)

TAX

Sen. Plans To Ask IRS Nominee About Pass-Through Break

During the Senate Finance Committee's confirmation hearing Thursday for the potential future commissioner of the Internal Revenue Service, at least one senator will focus his questions on the new federal tax law's pass-through provision. [Read more »](#)

IMMIGRATION

Advocates File FOIA Suit Over Family Separation Information

Immigrant advocates filed a suit against the Trump administration Wednesday in Washington, D.C., federal court seeking to compel the government to respond to its Freedom of Information Act requests for information regarding family separation policies, guidance and data. [Read more »](#)

Trump Tweet Not Enough To Save GOP Immigration Bill

An all-caps supportive tweet by President Donald Trump on Wednesday was not enough to save immigration legislation pushed by Republicans that would have provided a path to citizenship for Deferred Action for Childhood Arrivals program participants, amended immigration regulations and funded the border wall sought by the president. [Read more »](#)

NATIVE AMERICAN

Gov't Vow To Separated Parents Enough For Now, Judge Says

A Trump administration promise to put three undocumented immigrants separated from their children at the border in touch with case managers was enough Wednesday for a D.C. federal judge not to immediately order the government to provide the parents details on the children's welfare and an expected date of reunification. [Read more »](#)

TELECOMMUNICATIONS

Senate Committee Passes Geoffrey Starks' FCC Nomination

The Senate Committee on Commerce, Science and Transportation on Wednesday sent the nomination of current Federal Communications Commission official Geoffrey Starks to serve as an FCC commissioner to the Senate floor for consideration. [Read more »](#)

FCC Tosses News Distortion Claim In CBS Merger Dispute

The Federal Communications Commission rejected a challenge to Entercom Communications Corp.'s \$1.6 billion merger with CBS Radio Inc. on Tuesday from a pair of petitioners who alleged CBS' television stations engaged in "intentional news distortion" that called into question the company's "basic character qualifications" to hold an FCC license. [Read more »](#)

Sprint-T-Mobile Merger Will Multiply 5G Supply, Senate Told

Sprint and T-Mobile's top brass defended the benefits of their proposed merger before a Senate subcommittee on Wednesday, arguing that the companies' combination would not present anti-competitive challenges because together they will create more fifth-generation technology market share for everyone. [Read more »](#)

Alaska Gov. Won't Take Executive Action On Net Neutrality

Alaska's governor told state lawmakers last week that he won't take executive action to implement net neutrality rules after the Federal Communications Commission's repeal took effect earlier this month, saying instead he'd work with private companies like Microsoft to overcome the rural state's internet infrastructure challenges. [Read more »](#)

FEC Considers New Rules For Online Political Ad Disclosure

The Federal Elections Commission on Wednesday began two days of hearings on proposed changes to rules governing political ads on the internet, as the commission looks to improve transparency and clear up questions about disclosure requirements for the ads.

[Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: How Congress Affected My Career

Being a former member of Congress put me in an advantageous position when I approached law firms in the late '70s, at a time when there were few female lawyers, and even fewer African-American lawyers, in major law firms, says former Rep. Yvonne B. Burke, D-Calif., a director of Amtrak. [Read more »](#)

How Cakeshop Gives Religious Objectors Legal Ammunition

The U.S. Supreme Court's recent decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* has been framed as much ado about nothing. But how the Supreme Court reached its result hands religious objectors a huge win in the form of potent ammunition for future legal fights, says Jesse Ryan Loffler of Cozen O'Connor. [Read more »](#)

SEC Administrative Proceedings After Lucia

Because of the U.S. Supreme Court's decision in Lucia, the U.S. Securities and Exchange Commission will have to redo a series of administrative cases, potentially straining resources and possibly prompting the agency to tap new administrative law judges, says Daniel Walfish of Walfish & Fissell LLP. [Read more »](#)

Civil Forfeiture Abuse Is A Challenge To Civil Rights

Last month, Rustem Kazazi filed a lawsuit in federal court against U.S. Customs and Border Protection for seizing \$58,000 from him at an airport without charging him with a single criminal offense. The seize-first, investigate-later civil forfeiture regime now prevailing in the United States recalls the British crown's abusive tactics that helped spark the Revolutionary War, says Alexander Klein of Barket Epstein & Kearon LLP. [Read more »](#)

Are OCC's Reserve-Based Lending Guidelines Enforceable?

Following the Government Accountability Office's determination that the Interagency Guidance on Leveraged Lending did not comply with the Congressional Review Act, it would appear that the binding nature of the Office of the Comptroller of the Currency's handbook for oil and gas reserve-based loans should be similarly questioned, says Buddy Clark of Haynes and Boone LLP. [Read more »](#)

Limiting Law Firms' Professional Liability Risks: Part 1

Corporate law departments are increasingly demanding more concessions from outside legal counsel, and presenting engagement letters that open the door to greater professional and cyber liability exposure for law firms — often beyond the scope of their insurance coverage. Firms must add their own language to engagement letters to limit liability,

say Stuart Pattison and John Muller of Sompo International Holdings Ltd [Read more »](#)

LEGAL INDUSTRY

MoFo Hops On Associate Raise Train

Morrison & Foerster LLP joined the growing roster of law firms that have raised associate salaries and sweetened their paychecks with summer bonuses, according to an internal memo made public on Tuesday. [Read more »](#)

This BigLaw Firm Retakes Title Of Best To Work For

One firm was named the best law firm to work for after dominating Vault.com's quality of life rankings, the website said Wednesday, retaking the top spot after stepping down the podium to No. 3 last year. [Read more »](#)

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Sent: Tuesday, July 3, 2018 5:36 AM
To: Rep48
Subject: The Sharpest Dissents From The Supreme Court Term



Law360 Closed For Independence Day

Newsletter service will resume on Thursday, July 5.

Tuesday, July 3, 2018



SUPREME COURT REVIEW

Feature

The Sharpest Dissents From The Supreme Court Term

In its first complete term back at full strength since the death of Justice Antonin Scalia, the top U.S. court took on several cases that revealed deep divisions among its members. Here are the most stinging dissents. [Read more »](#)

Feature

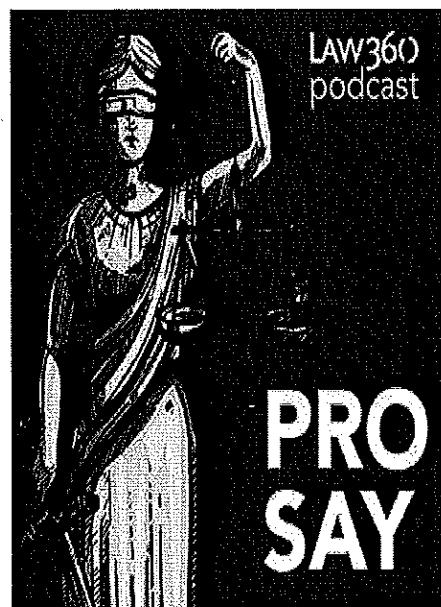
Narrow Rulings Reveal Wide Gulls Between Justices

With the Supreme Court largely punting on deciding the issues at the center of some of its biggest cases this term, the justices turned to concurrences to fight for the future of the law. [Read more »](#)

Feature

4 High Court Lineups That Might Surprise You

While the justices tend to join most often with colleagues whose philosophy they share, even



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politically charged cases can create groupings that defy easy categorization. Here are a few from the latest term. [Read more »](#)

Feature

The Funniest Moments Of The Supreme Court Term

From a raucous house party to the often-disappointing taste of wedding cake, the justices found plenty to laugh about in the latest term. Here are the top moments of legal levity. [Read more »](#)

Trump Plows Ahead With Supreme Court Selection Process

President Donald Trump is ramping up the process of replacing Justice Anthony Kennedy on the U.S. Supreme Court, interviewing four candidates Monday and revealing the White House staffers who are leading the selection effort. [Read more »](#)

Feature

High Court Nomination Watch: 7th Circ.'s Amy Coney Barrett

Amy Coney Barrett has been sitting on the Seventh Circuit bench for only eight months, but she is rumored to be on President Donald Trump's shortlist for potential picks to replace Justice Anthony Kennedy on the U.S. Supreme Court. [Read more »](#)

Analysis

Kennedy's Exit Won't Tip High Court Balance For Banks

Associate Justice Anthony Kennedy's retirement from the U.S. Supreme Court is unlikely to lead to a sharp swing in the high court's ideological balance when it comes to financial services issues, though it may open the door for less deference to federal financial regulators' statutory interpretations, experts say. [Read more »](#)

Analysis

How A More Conservative Court Could Change Telecom Policy

Bernstein Shur
Bloom Parham
Bracewell
Brashear LLP
Broad and Cassel
Buchalter PC
Choate
Clark Hill
Cleary Gottlieb
Cohen & Grigsby
Covington & Burling
Cravath Swaine
Crowell & Moring
Davis Wright Tremaine
Dechert
Dinsmore & Shohl
Dorsey & Whitney
Drinker Biddle
Earthjustice
Ellenoff Grossman
Epstein Becker Green
Fish & Richardson
Fletcher Heald
Foley & Lardner
Foley Hoag
Gibson Dunn
Goodwin
Goulston & Storrs
Greenberg Traurig
Hassell Law Group
Hoguet Newman
Holland & Knight
Hudson Cook
Hunton Andrews Kurth
Jackson Lewis
Jones Day
Kilpatrick Townsend
Lash & Goldberg

Justice Anthony Kennedy's upcoming retirement comes at a tumultuous time for the telecom industry as legal challenges to major Federal Communications Commission decisions play out in lower courts, including disputes over media ownership rules and net neutrality. [Read more »](#)

TOP NEWS

Feature

Travel Ban And Beyond: The High Court? 9s Year In Immigration

From the decision to uphold President Donald Trump's travel ban to a ruling on judicial notice that had much broader implications for the power of administrative immigration agencies, immigration cases were among the most highly watched on the U.S. Supreme Court's docket this term. Here, Law360 recaps those cases. [Read more »](#)

Cell Data Privacy Ruling May Spawn Suit Avalanche, Attys Say

The Supreme Court's recent decision limiting law enforcement's ability to subpoena cellphone location data is likely to spark a flurry of litigation, as a once-bright line rule regarding privacy rights for personal information held by third parties has been significantly blurred, the American Civil Liberties Union attorney who argued the case before the high court said in Washington, D.C., Monday. [Read more »](#)

Analysis

Fla. Faces Upstream Ga. Water Fight, Despite High Court Win

The U.S. Supreme Court has breathed new life into Florida's lawsuit against Georgia over the use of water from a river basin by rejecting a report denying Florida's request to cap usage, but Florida is not out of the woods and must argue that saving its Apalachicola Bay fishery is worth inflicting some pain on Atlanta's growing metropolitan region. [Read more »](#)

Analysis

Latham & Watkins
Lawyers' Committee for Civil Rights
Leech Tishman
Littler Mendelson
Manatt Phelps
Marashlian & Donahue
Mayer Brown
McDermott Will
McElroy Deutsch
Milbank Tweed
Morrison & Foerster
Munger Tolles
Nelson Mullins
O'Melveny & Myers
Olshan Frome Wolosky
Orrick Herrington
Paul Hastings
Perkins Coie
Pierce Atwood
Priddy Cutler
Prince Lobel
Reed Smith
Robins Kaplan
Ropes & Gray
Schiff Hardin
Seyfarth Shaw
Shapiro Arato
Simpson Thacher
Skadden
Steptoe & Johnson LLP
Strasburger & Price
Trenk DiPasquale
Wachtell Lipton
Wilkinson Barker
WilmerHale
Wilson Sonsini

COMPANIES

States Can Decide If Association Health Plans Sink or Swim

The U.S. Department of Labor's recently finalized association health plan rule allows insurers to offer health care plans to small businesses and the self-employed that skirt certain Affordable Care Act requirements, but it also leaves state regulators with the authority to impose requirements on those plans that could mirror the ACA's. [Read more »](#)

Analysis

FERC Order On State Clean Energy Subsidies Roils Markets

The Federal Energy Regulatory Commission's order last week requiring PJM Interconnection LLC to rewrite its wholesale electricity market rules in order to blunt the effects of state clean energy policies will only further inflame state-federal tensions over electricity policy and threaten the future of the very markets the commission aims to protect, FERC watchers say. [Read more »](#)

FEMA Sued For Planning Abrupt End To Disaster Aid Program

After announcing it would end a program that paid for Hurricane Maria evacuees to stay in hotels, the Federal Emergency Management Agency was hit on Saturday in Massachusetts federal court with a proposed class action brought by Puerto Ricans seeking to block evictions that could put them on the streets. [Read more »](#)

BANKING & SECURITIES

NYSE Pulls Proposal To Ease Rules On Blank Check Cos.

The New York Stock Exchange has withdrawn a proposed rule change that would have made listings easier for blank check companies, following a similar withdrawal by rival exchange Nasdaq, according to a U.S.

AT&T Inc.
Adobe Systems Incorporated
Agenus Inc.
Airbnb Inc.
Altamont Capital Partners
Altman Weil Inc.
American Academy of Pediatrics
American Cable Association
American Civil Liberties Union
American Express Company
American Federation of State, County and Municipal Employees
American Immigration Lawyers Association
Association of Corporate Counsel
Celgene Corporation
Center for Human Rights & Constitutional Law
Chevron Corp.
Churchill Downs Inc.
Consumer Reports
DISH Network Corporation
Electric Reliability Council of Texas Inc.
Ennis Inc.
Environmental Defense Fund Inc.
Epic Systems Corp.
Ernst & Young
Facebook
FanDuel Inc.
Federalist Society
Google Inc.
H&R Block Inc.
H5
HSN, Inc.
Ion Media Networks Inc.
Jones Lang LaSalle Inc.
Kentucky Derby
LatinoJustice

Securities and Exchange Commission notice posted on Friday. Read more »

ENERGY & ENVIRONMENTAL

Feature

New Earthjustice Prez's Game Plan: Fight Feds, Coax States

Incoming Earthjustice President Abigail Dillen told Law360 in an exclusive interview that the environmental law group must pursue a two-pronged strategy: fighting policy rollbacks by the Trump administration while encouraging stronger clean energy and other climate change-friendly policies at the state and local level. Read more »

Refiners Blew Chance To Fight Biofuel Regs, EPA Says

The U.S. Environmental Protection Agency told the D.C. Circuit it was right to refuse to shift some of the burden for blending renewable fuels into the country's transportation fuel supply from refineries to fuel blenders, arguing that the refiners' challenge to the determination came too late under the Clean Air Act. Read more »

Senator Seeks More State Control In ESA Amendments

Republican Sen. John Barrasso of Wyoming on Monday released a draft of proposed changes to the Endangered Species Act that would elevate the role states play in conservation efforts, an idea that was criticized by environmental groups that accused the senator of trying to weaken the law. Read more »

Warbler Still Endangered, Feds Tell Court In Texas ESA Suit

The U.S. Fish and Wildlife Service has urged a Texas federal court to reject a state agency's claims that the FWS was unreasonable in keeping the golden-cheeked warbler on the endangered species list, arguing the state

Law Foundation of Silicon Valley
Lions Gate Entertainment Corp.

Major League Baseball Inc.

Michelin Group

Microsoft Corporation

NASDAQ OMX Group Inc.

NFL Enterprises LLC

NJ Transit Corp.

National Basketball Association

National Basketball Players Association

National Center for Youth Law

National Collegiate Athletic Association

National Consumer Law Center

National Hockey League

New York Times Co.

PJM Interconnection LLC

Palantir Technologies Inc.

Petco Animal Supplies Inc.

Platinum Equity LLC

QVC Incorporated

Qurate Retail Group

Securus Technologies Inc.

Sierra Club

Sinclair Broadcast Group, Inc.

Sony Pictures Entertainment Inc.

Southwest Power Pool Inc.

State Bar of Texas

Temple University

Texas Public Policy Foundation

Theranos Inc.

TiVo Corp.

Tribune Media Co.

Turner Broadcasting System Inc.

Twitter Inc.

Valero Energy Corp.

Wayfair LLC

Yelp Inc.

agency didn't offer good reasons to remove it.
[Read more »](#)

NJ Fights Trenk DiPasquale Bid For Water Agency Probe Docs

The Office of the New Jersey State Comptroller has urged a federal bankruptcy judge to quash a subpoena from Trenk DiPasquale Della Ferra & Sodono PC and two former firm attorneys seeking documents related to the office's investigation into wasteful spending at a defunct Newark water agency, saying such material is confidential. [Read more »](#)

HEALTH & LIFE SCIENCES

Pa. Court Axes 2nd Challenge To Medical Marijuana Licenses

A second challenge over the adequacy of Pennsylvania's process for awarding medical marijuana licenses and for hearing appeals over those awards has been tossed by a state court over a jilted bidder's failure to exhaust administrative remedies before filing suit. [Read more »](#)

MEDIA & ENTERTAINMENT

Citing SC Blackout, Cable Lobby Slams Retransmission Rule

The American Cable Association called on Nexstar Media Group to drop its programming blackout of Myrtle Beach, South Carolina, cable provider Horry Telephone Cooperative over a retransmission dispute, saying Monday that Nexstar is trying to force a massive rate hike on cable subscribers. [Read more »](#)

AEROSPACE & DEFENSE

DOD Launches New Central Artificial Intelligence Office

The U.S. Department of Defense has formally launched a new artificial intelligence center, intended to speed up and harmonize the rollout

ZTE Corp.

Zulily Inc.

comScore, Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

California Supreme Court

Cherokee Nation

Commonwealth of Kentucky

Consumer Financial Protection Bureau

Department of Commerce

European Union

Executive Office of the President

Federal Aviation Administration

Federal Communications Commission

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Judicial Center

Federal Trade Commission

Fish and Wildlife Service

Food and Drug Administration

Internal Revenue Service

Los Angeles World Airports

New Jersey Legislature

New York State Department of Financial Services

New York State Senate

Securities and Exchange Commission

Three Affiliated Tribes of the Fort Berthold Reservation

U.S. Army

U.S. Attorney's Office

of AI capabilities across the military and intelligence community, according to a DOD memo. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

FAA Did Shoddy Review Of SoCal Flight Paths, DC Circ. Told

Culver City, California, and local groups told the D.C. Circuit on Friday that the Federal Aviation Administration flouted its own rules when it failed to assess the noise impacts of newly implemented flight paths for Southern California airports, saying the appellate court shouldn't give it a free pass. [Read more »](#)

EMPLOYMENT

Feature

The FLSA Turns 80: How Management Wants The Law Updated

The Fair Labor Standards Act celebrated its 80th birthday last week, and legal experts on both sides of the worker-management divide say the landmark law is showing its age. Here, Law360 looks at ways management-side employment attorneys say they would like to see Congress update the octogenarian statute. (*This is the first article in a two-part series. Check back Thursday to read about how workers' attorneys would revise the FLSA.*) [Read more »](#)

Ky. Gov. Urges Judge To Go Further In Pension Bill Ruling

Kentucky Republican Gov. Matthew Bevin on Friday asked a state judge to alter an order vacating on procedural grounds a bill trimming public employees' pensions so the judge could address the actual merits of the law, which would allow the Kentucky Supreme Court to wholly settle the bill's constitutionality on appeal. [Read more »](#)

CYBERSECURITY & PRIVACY

U.S. Customs and Border Protection

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

Dem Rep. Blasts FCC For Punting Cambridge Analytica Probe

Rep. Debbie Dingell, D-Mich., continued to push the Federal Communications Commission to probe since-shuttered political consulting firm Cambridge Analytica and investigate if it wrongly bought TV viewing habit information, excoriating the FCC for punting the matter to the Federal Trade Commission, which she also pushed to carry out an investigation [Read more »](#)

INTERNATIONAL TRADE

Feature

Trade Enforcement Springs Eternal: 2018 Midyear Report

The first half of 2018 has seen the Trump administration make full use of its trade enforcement arsenal as it picks fights with allies and opponents alike, igniting the most dramatic escalation of global trade barriers in many decades. Here, Law360 will walk you through the last six months' worth of developments stemming from the administration's bold enforcement missives. [Read more »](#)

TAX

Analysis

New 1040 Form May Not Reduce Filing Burdens

A statement released at the same time as a new postcard-size Form 1040 by the U.S. Treasury Department on Friday claims individual income tax filing burdens will be greatly reduced, but some practitioners question whether new schedules required to accompany the form could have the opposite effect. [Read more »](#)

Governor Signs 'Airbnb' Tax Bill Into Law In NJ

New Jersey Gov. Phil Murphy on Sunday signed into law a bill that imposes state sales and use taxes as well as hotel and motel occupancy fees on short-term property rentals made through online marketplaces like Airbnb Inc.'s home-sharing website. [Read more »](#)

Virtual Currency Compliance Among 5 New LB&I Campaigns

The Internal Revenue Service's Large Business and International Division approved five new compliance campaigns Monday, including a new focus on virtual currencies, but the agency said it is not considering a voluntary disclosure program for that area in the future. [Read more »](#)

NJ Avoids Gov't Shutdown With \$37.4B Budget Deal

New Jersey Democratic Gov. Phil Murphy signed a \$37.4 billion state budget bill at the 11th hour Sunday, quelling fears of a government shutdown after he reached an agreement with leaders at the State House the day before. [Read more »](#)

IMMIGRATION

Career Immigration Official Picked As Acting Head Of ICE

The U.S. Department of Homeland Security has elevated a career immigration official to serve as acting director of U.S. Immigration and Customs Enforcement, an agency that stands at the forefront of the Trump administration's ongoing battles on enforcing the nation's immigration laws, DHS announced on Saturday. [Read more »](#)

Feds Say Families Can Be Detained Together Under Flores

The Trump administration said Friday it would comply with a California federal judge's order to stop separating immigrant families caught crossing the border without authorization by detaining parents and children together

throughout immigration proceedings, arguing that the so-called Flores agreement mandating the release of children allowed for it. Read more »

Immigration Bill Roundup: Separated Children, Abolish ICE

Democratic lawmakers have recently introduced legislation that would allow detained parents to call their separated children free of charge, ensure that federal employees are properly trained to care for the children and abolish U.S. Immigration and Customs Enforcement. Read more »

DC Judge Says Gov't Must Follow Rules For Asylum-Seekers

A Washington, D.C., federal judge has ordered the government to follow its own rules about detaining asylum-seekers, saying Monday that, though sometimes raw data amounts to "lies, damn lies, and statistics," the numbers presented by a proposed class of immigrants showing a near-100-percent parole denial rate are irrefutable. Read more »

Brazilian Sues Gov't To Reunite With Son Taken At Border

A Brazilian woman asked a federal Massachusetts court Friday to reunite her with her 9-year-old son after they were separated by immigration officials at the U.S.-Mexico border, arguing that the federal government had broken its own rules and violated the family's constitutional rights. Read more »

NATIVE AMERICAN

DOI Retracts Ruling For Alaska Native Land-Into-Trust Moves

The office of the U.S. Department of the Interior's solicitor said Friday that it was withdrawing an Obama-era opinion by the same office that the department could take land into trust for Alaska Natives, saying that the ruling was "incomplete and unbalanced"

and that it would take at least a year to reconsider. [Read more »](#)

States Fight Feds' Quick Win Bid In Native Adoption Law Suit

Three states that have mounted a federal court challenge to the Indian Child Welfare Act have urged a judge not to grant the federal government a partial quick win in the suit, saying no administrative record regarding a final rule relating to the law has been entered by the government. [Read more »](#)

TELECOMMUNICATIONS

FCC Seeks Input On Securus' Prison Phone Rival Deal

The Federal Communications Commission announced Monday that it has launched a comment period on prominent prison-phone operator Securus Technologies Inc.'s bid to acquire one of its dominant competitors from TKC Holdings Inc. [Read more »](#)

Dems, Orgs Say FCC Lacks Evidence For Kid Vid Rollback

A group of Senate Democrats and various advocacy groups separately urged the Federal Communications Commission last week to slow a potential rollback of rules covering children's broadcast programming, arguing the agency lacks evidence backing "tentative conclusions" that minimum broadcast requirements are no longer needed. [Read more »](#)

WHITE COLLAR

Skelos Cleared To Grill Key Witness Over Alleged Misconduct

A New York federal judge on Monday greenlighted a multipronged attack by former New York State Senate Majority Leader Dean Skelos and his son Adam on the credibility of former insurance boss and government witness Anthony Bonomo, saying she would

allow the defense to probe claims of misconduct at Bonomo's company. Read more »

EXPERT ANALYSIS

The EPA's New Biofuels Plan And A Residue Of Uncertainty

The U.S. Environmental Protection Agency last week issued its long-awaited proposal concerning the next round of annual volume requirements under the Renewable Fuel Standard. While the proposal generally indicates stability and growth for the RFS program, it is conspicuously silent on several issues that could substantially affect biofuels markets, say Joel Beauvais and Steven Croley of Latham & Watkins LLP. Read more »

Massachusetts Patent Litigation Is Speeding Up

The District of Massachusetts recently issued an updated rule for scheduling and procedures in patent infringement cases, to make the district a more convenient venue. Perhaps the most important change is the newly accelerated litigation timeline, says Aaron Jacobs of Prince Lobel Tye LLP. Read more »

The California Consumer Privacy Act: 3 Early Questions

It is difficult to overstate the scope of the new California Consumer Privacy Act — it will dramatically change the privacy landscape in the U.S. when it takes effect on Jan. 1, 2020. The act also contains ambiguities that are likely to sow confusion and litigation, say attorneys with Munger Tolles & Olson LLP. Read more »

Opinion

A Trump Supreme Court Nominee Can Be Defeated

The Senate Republican leadership and the Trump administration are racing to fill Justice Anthony Kennedy's spot on the U.S. Supreme

Court. Does opposition to their plans have any chance of success? My answer is yes, because the stakes are so high, people are so engaged, and the records of those short-listed are so deeply troubling, says Nan Aron, president of Alliance for Justice. [Read more »](#)

Considering The Uncertain Future Of The EB-5 Program

After multiple extensions, the EB-5 visa program is set to expire on Sept. 30. The uncertainty of the program's future and proposed changes to minimum threshold investments have led developers to increase their fundraising efforts prior to the deadline, and they may cut back on use of EB-5 funds going forward, say Bruce Meyerson and David Coombs of Goulston & Storrs PC. [Read more »](#)

How Sports Bet Ruling Affects Players' Collective Bargaining

Following the U.S. Supreme Court's decision in *Murphy v. NCAA*, player associations must not only monitor how state legislatures and Congress react to the ruling, but also proactively engage with both federal and state legislatures. Failure to do so will likely leave players in an unfavorable position vis-a-vis their respective leagues, say attorneys with Dechert LLP. [Read more »](#)

LEGAL INDUSTRY

Interview

Jackson Lewis' Newly Elected Co-Chairs Talk Growth

Newly elected leaders of Jackson Lewis PC say they have big plans for the direction of the law firm, including imminently appointing a new chief operating officer from a professional services firm, expanding in several states and adding to the firm's capabilities in health care and employee benefits law. Here, Law360 chats with newly elected co-chairs William

Anthony and Kevin Lauri about the future of the firm. [Read more »](#)

WilmerHale, Perkins Coie Late Entrants In Pay Raise Match

Perkins Coie LLP, WilmerHale, Olshan Frome Wolosky LLP and Choate Hall & Stewart LLP have joined the cavalcade of law firms announcing changes to their associate compensation structure, according to internal memos made public Monday. [Read more »](#)

Law Firm Mergers On Pace To Equal Record In 2018

U.S.-based law firms are on pace for another record-setting year of tie-ups, according to a report released Monday that indicates the high-water mark of 102 mergers, set in 2017, could be overtaken before year's end. [Read more »](#)

Dinsmore & Shohl Beef Up Parental Leave Policy

Dinsmore & Shohl LLP has beefed up its parental leave policy, allowing female attorneys to take 18 weeks of paid leave in the year after giving birth and granting leave time to adoptive parents and the partners of new mothers as well, the firm announced Monday. [Read more »](#)

Covington, Microsoft Attys Say AI Trust Key To Use In Law

A Covington & Burling LLP partner and a Microsoft in-house attorney speaking at a conference about artificial intelligence warned Friday that as the technology is applied to legal problems, AI systems have faced questions about baked-in biases and a lack of transparency as to how they reach decisions. [Read more »](#)

Yelp Needn't Delete Defamatory Atty Reviews: Calif. Justices

A divided California Supreme Court on Monday reversed a lower court's order that Yelp take down defamatory reviews of a personal injury

attorney posted by a former client, saying the consumer review website is protected by a federal law shielding publishers of third-party content. [Read more »](#)

Latham Scores Win In Suit Over Fraudulent Job Site

A Virginia federal judge signed off on a magistrate judge's recommendation and granted Latham & Watkins LLP's default judgment bid in a suit against a website it said purports to hire people to work at Latham from home, after the owners of the website failed to respond to the complaint. [Read more = 2](#)

Interview

15 Minutes With Qurate Retail Group? 9s General Counsel

Larry Hayes is not only the general counsel of Qurate Retail Group, but also a college football referee who works as a center judge in the Atlantic Coast Conference. Here, he discusses the skills vital for a successful general counsel, the challenges his business faces in 2018 and the worry that keeps him up at night. [Read more »](#)

Feature

The Top In-House Hires Of June

June not only brought the first days of summer, but also a string of notable legal hires that included new general counsel and chief legal officer appointments at Adobe Systems Inc., Consumer Reports, Lionsgate, the University of Mississippi and the Association of Corporate Counsel, as well as new deputy general counsel at ProPublica and startup Bird. [Read more »](#)

JOBS

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From: MPEN Ohio
Sent: Wednesday, July 4, 2018 1:31 AM
To: Rep48
Subject: MPEN e-Newsletter for Ohioans, No. 2018-07-04

MPEN e-Newsletter for Ohioans, No. 2018-07-04

- FW: Detained Ohio immigrants represented by ABLE
 - FW: Ohio can beat dark money
 - FW: Ohio's governor race too close to call
 - FW: Keep loved ones together
 - FW: Happy Fourth of July, 2018
 - FW: Low, even for Trump
 - FW: Breaking News: Trump Administration Reverses Obama on Affirmative Action
 - FW: 9/11 action request
 - FW: Progressive Congresswoman ARRESTED for opposing Trump
-

From: Karla Garrett Harshaw
Subject: Detained Ohio immigrants represented by ABLE

Immigrants who were recently detained while working in Northwest Ohio are being represented by Advocates for Basic Legal Equality. Our nonprofit legal aid firm continues to represent immigrants and refugees throughout Ohio during these trying times. Since we do not charge for services, we depend on the generosity of the public to fund our assistance.

Would you be willing to share our message?

We need your help!

In June, more than 200 immigrants were torn from their jobs in Northwest Ohio by Immigration and Customs Enforcement (ICE) agents in raids that were among the largest in the nation. They were arrested under suspicion of being in the country illegally and were sent on buses to detention centers under the threat of deportation.

Parents were separated from their children when they were detained and many remain unaware of where their children and spouses are being kept.

Legal aid attorneys in the Dayton office and throughout the service area of Advocates for Basic Legal Equality have rushed to the forefront to ensure that the workers' legal rights are upheld, that they receive due process under U.S. law, and seek reunification of the detainees' families and protection for the children left behind.

Please donate to help us continue providing free legal services to these families.
Ensure Justice for All!

From: Dean Phillips (*Candidate for Congress in Minnesota's 3rd district*) via Daily Kos

Subject: Ohio can beat dark money >>

Sign the petition to get big money out of politics with Dean Phillips for Congress who is refusing special interest and PAC money. Right now, only six sitting members of Congress refuse all special interest money!

SIGN NOW

My name is Dean Phillips and I grew up in a Minnesota that placed principles above parties and special interests. But take one look at politics today, and you'll know that's no longer the case.

Because money in politics has become legalized corruption. And we need to put an end to it.

Money in politics has twisted our democracy out of shape and given power to deep-pocketed special interests at the expense of voters. That's why I'm running for Congress without accepting ANY special interest or PAC money.

And I'm calling on my opponent Rep. Erik Paulsen -- a five-term Republican and one of the top recipients of special interest money in Congress -- to do the same. I'm calling it The Minnesota Way pledge.

Add your name to join me, Dean Phillips, in calling out one of the country's top big-money Republicans and demand that he stand up for voters, not special interests. Add your name today!

ADD YOUR NAME

Currently, only six members of Congress refuse all special interest money for their campaigns. If elected, I'd be number seven.

My opponent voted to repeal the *Affordable Care Act*. He personally helped write the Republican tax scheme. He has taken \$8 million from special interests to fund his campaigns -- and it's clear he pays them back with votes.

Together, we can return the power to voters and prove that we don't need special interests to win back Minnesota's 3rd District -- and the U.S. House of Representatives -- in November.

Add your name to get big money out of politics by supporting "The Minnesota Way" with Dean Phillips. >>

ADD YOUR NAME

Paid for by Phillips for Congress. Does not equal endorsement.

From: Kathleen To
Subject: FW: Ohio's governor race too close to call



CORDRAY 42

DEWINE 40

BREAKING poll: OHIO'S GOVERNOR RACE NeCk and Neck!

Donate \$1 or more NOW to double your gift to elect Dems across the country and STOP Trump in the states!

Kathleen, Democrat Rich Cordray is neck and neck with a Trump-endorsed extremist in red Ohio, leading by the slimmest of margins. **But leads can VANISH in an instant if we don't act now to stay ahead.**

Flipping red states blue is a top priority, but Democrats like Rich are up against \$400 million from the Koch brothers' network. They're spending big to elect rubber stamps to fall in line with Trump's dangerous policies and push their own shady agenda.

If you don't activate your membership right now, we've seen the political fallout that happens next: We lose elections. Our rights disappear. Planned Parenthood. Social Security. Medicare. The stakes are higher than ever this year.

Thank you for supporting Democrats in the past, Kathleen, but we're 905 members short of our end-of-month FEC deadline goal to elect Democrats in battlegrounds like Ohio and in every corner of America. Take a look at your membership status now:



Donate \$1 or more IMMEDIATELY to double your gift to elect Democratic governors, join our exclusive membership program and STOP Trump in the states!

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Contributions or gifts to Democratic Action are not tax deductible

From: Kristin Kumpf; Director of Human Migration and Mobility, U.S. Programs,
American Friends Service Committee
Subject: Keep loved ones together



keep LOVED ONES together

DONATE NOW

For weeks, we've been haunted by the news of the U.S. Immigration and Customs Enforcement (ICE)'s human rights abuses and the horrifying impact this has had on children, families, and the entire country. It gave me hope to see the thousands of people across the country, who marched on Saturday to stand up for immigrant rights. The American Friends Service Committee (AFSC) is against the cruel and immoral policy of family separation and we've been working tirelessly to keep loved ones together.

Make a gift today to support AFSC's immigrant rights work across the country.

You can make a real difference!

ICE has a long history of separating families and terrorizing our communities—from engaging in racial profiling to conducting warrantless searches. Since last October, at least six people have died in ICE custody. The agency has also been the subject of more than 1,200 complaints of sexual and physical abuse.

AFSC continues to speak out against ICE's human rights abuses. In June alone, we generated over 25,000 letters asking Congress to defund ICE, and collected over 8,000 signatures calling to abolish ICE. We also provided legal services to immigrants who are in detention, facing deportation, or seeking to reunite with their families.

Will you stand up for immigrant rights today, as we work to keep loved ones together and our communities safe for everyone?

Your donation will go directly toward our immigrant rights work across the country, including all the critical advocacy mentioned above, plus direct services such as know-your-rights trainings and citizenship classes. Please donate today and support our efforts to stop the human rights violations taking place within the U.S. immigration system and challenge the harsh threats of ICE and the Trump administration.

From: David K. Greer on behalf of the Blacks In Government
Subject: FW: Happy Fourth of July, 2018 From the National Organization of Blacks In Government



On this Fourth of July, 2018, America's 242nd birthday, we celebrate Independence Day, thanks to the people in the forefront of the American Revolution. These revolutionaries were people who were engaged in commerce and were overwhelmed with British interference and arguing "no taxation without representation." Their perseverance allowed our independence from Great Britain and the foundation of our great nation with the adoption of the Declaration of Independence on July 4, 1776.

While we are living in difficult times, with much turmoil on our own soil and throughout the world, we are fortunate to live in such a great nation and have the freedom to speak freely, to fight for justice, and to expect equality for everyone, regardless of their race, religion, sexual orientation, or place of origin.

On behalf of the National Organization Of Blacks In Government ®, I wish you, your family, and friends, a safe and happy Independence Day this Fourth of July!

One of America's Most Influential Organizations
"Thank You For Thinking BIG!"

From: Sunjeev, Stephen, Amy, and the Win Without War team
Subject: Low, even for Trump

Remember Trump's tank parade? His horrible idea for a giant military parade taking over the streets of our nation's capital is only getting worse: He's ordered the Pentagon to plan this authoritarian parade for Veterans Day.

That means that soldiers will be forced to march in Trump's parade instead of spending time resting or with loved ones. *On Veterans Day.*

Forcing active-duty servicemembers to spend many hours practicing to inflate Trump's ego — *and then* making them give up their Veterans Day holiday weekend to march in a mandatory parade? That's blatantly awful, even for Trump.

We've got to put a stop to this. On Saturday, Win Without War joined hundreds of thousands of activists marching against Trump's militaristic, racist immigration agenda. **This July 4th, let's keep raising our voices to shut down Trump's**

violence-first policies — not prop up his authoritarian agenda with forced parades.

Tell Congress: Respect active-duty troops and cut off funding for the Trump Parade.



Every dollar that goes to this parade is a dollar that could have been invested in true safety and peace. **Trump is pilfering from veterans' health care and Flint's clean water to feed his ego with an autocratic march.**

Win Without War spends a lot of time and energy fighting to jam up the gears of the Washington war machine. We go toe-to-toe with war hawks and defense industry lobbyists at every turn. But for once, the D.C. consensus and the American people's common sense agree: This parade is a terrible idea.

Nobody wants this parade except Trump — not even the Pentagon. That means we have real leverage to stop this dangerous and disrespectful parade.

And right now, we have the perfect chance to act. This July 4th week, Congress is looking for ways to prove to their constituents they are standing up for democratic values.

So we need to let Congress know: The absolute least they can do this week is to prevent Trump from forcing servicemembers to march in an authoritarian parade on Veterans Day.

Tell Congress: Before the fireworks, celebrate the 4th of July by defunding Trump's tank parade.

From: Ved Chaudhary
Subject: FW: Breaking News: Trump Administration Reverses Obama on Affirmative Action

The Trump administration will urge schools and colleges to ignore race in admissions, reversing an Obama-era guideline meant to bolster diversity

The Supreme Court has steadily narrowed the ways that schools can consider race when trying to diversify their student bodies. But it has not banned the practice.

[Read More »](#)

Trump Administration Reverses Obama on Affirmative Action
By [Erica L. Green](#), [Matt Apuzzo](#) and [Katie Benner](#) on July 3, 2018

WASHINGTON — The Trump administration will encourage the nation's school superintendents and college presidents to adopt race-blind admissions standards, abandoning an Obama administration policy that called on universities to consider race as a factor in diversifying their campuses, Trump administration officials said.

The reversal would restore the policy set during President George W. Bush's administration, when officials told schools that it "strongly encourages the use of race-neutral methods" for admitting students to college or assigning them to elementary and secondary schools.

Last November, Attorney General Jeff Sessions asked the Justice Department to re-evaluate past policies that he believed pushed the department to act beyond what the law, the Constitution and the Supreme Court had required, Devin M. O'Malley, a Justice Department spokesman said. As part of that process, the Justice Department rescinded seven policy guidances from the Education Department's civil rights division on Tuesday.

"The executive branch cannot circumvent Congress or the courts by creating guidance that goes beyond the law and — in some instances — stays on the books for decades," said Devin M. O'Malley, a spokesman for the Justice Department.

The Supreme Court has steadily narrowed the ways that schools can consider race when trying to diversify their student bodies. But it has not banned the practice.

Now, affirmative action is at a crossroads. The Trump administration is moving against any use of race as a measurement of diversity in education. And the retirement of Justice Anthony M. Kennedy at the end of this month will leave the court without its swing vote on affirmative action and allow President Trump to nominate a justice opposed to a policy that for decades has tried to integrate elite educational institutions.

A highly anticipated case is pitting Harvard against Asian-American students who say one of the nation's most prestigious institutions has systematically excluded some Asian-American applicants to maintain slots for students of other races. That case is clearly aimed at the Supreme Court.

"The whole issue of using race in education is being looked at with a new eye in light of the fact that it's not just white students being discriminated against, but Asians and others as well," said Roger Clegg, president and general counsel of the conservative Center for Equal Opportunity. "As the demographics of the country change, it becomes more and more problematic."

The Obama administration believed that students benefit from being surrounded by diverse classmates, so in 2011, the administration offered schools a potential road map to establishing affirmative action policies that could withstand legal scrutiny.

In a pair of policy guidance documents, the Education and Justice departments told elementary and secondary schools and college campuses to use "the compelling interests" established by the court to achieve diversity. They concluded that the Supreme Court "has made clear such steps can include taking account of the race of individual students in a narrowly tailored manner."

It reaffirmed its view in 2016 after a Supreme Court ruling that said that schools could consider race as one factor among many.

In that case, Fisher v. University of Texas at Austin, a white woman claimed she was denied admission because of her race, in part because the university had a program that admitted significant numbers of minorities who ranked in the top 10 percent of their class.

"It remains an enduring challenge to our nation's education system to reconcile the pursuit of diversity with the constitutional promise of equal treatment and dignity," Justice Kennedy wrote for the 4-3 majority.

The Trump administration's plan would scrap the existing policies and encourage

schools not to consider race at all. The new policy would not have the force of law, but it amounts to the official view of the federal government. School officials who keep their admissions policies intact would do so knowing that they could face a Justice Department investigation or lawsuit, or lose federal funding from the Education Department.

A senior Justice Department official pushed back against the idea that these decisions are not about rolling back protections for minorities. He said they are hewing the department closer to the letter of the law.

He noted that rolling back guidance is not the same thing as a change of law, so that the decision to rescind technically would not have a legal effect on how the government defends or challenges affirmative-action related issues.

The move comes at a moment when conservatives see an opportunity to dismantle affirmative action.

Attorney General Jeff Sessions has said his prosecutors will investigate and sue universities over discriminatory admissions policies. And the conservative-backed lawsuit against Harvard is being pushed by the same group, the Project on Fair Representation, that pressed Fisher.

Anurima Bhargava, who headed civil rights enforcement in schools for the Justice Department under President Barack Obama and co-authored the Obama-era guidance, said that the policy withdrawal was timed for brief filings in the Harvard litigation, due at the end of the month.

“This is a wholly political attack,” Ms. Bhargava said. “And our schools are the place where our communities come together, so our schools have to continue to promote diversity and address segregation, as the U.S. Constitution demands.”

“It’s part of a broader conservative effort to undermine affirmative action,” said Samuel Bagenstos, a University of Michigan law professor and former Justice Department civil rights lawyer. “It’s something Republican administrations have been doing since Reagan.”

On Friday, the Education Department began laying the groundwork for the guidance decision. It restored on its civil rights website the Bush-era guidance, which had been shuttered by the Obama administration, signaling a shift of the Education Department’s stance on affirmative action, according to a person with knowledge of the decision.

A spokeswoman for the Education Department did not respond to repeated inquiries for comment.

But the policy shift comes as no surprise to civil rights advocates, who say it is only the latest measure by the Trump administration to dismantle policies aimed at protecting children and minority communities.

“There’s no reason to rethink or reconsider this, as the Supreme Court is the highest court in the land and has spoken on this issue,” said Catherine Lhamon, the former head of the department’s office for civil rights under Obama. “The Supreme Court has been unequivocal about the value of diversity and the core of achieving it, because it reflects the America. To retreat from those principles is damaging to the fabric of our country and to our students’ learning.”

Education Secretary Betsy DeVos actually has seemed hesitant to wade in on the fate of affirmative action policies that date back to a 57-year-old executive order by President John F. Kennedy, who recognized systemic and discriminatory disadvantages for women and minorities.

The Education Department did not partake in Justice Department’s formal interest in Harvard’s litigation.

“I think this has been a question before the courts and the courts have opined,” Ms. DeVos told The Associated Press. “I think the bottom line here is that we want an environment where all students have an opportunity, an equal opportunity to get a great education.”

But Ms. DeVos’s new head of civil rights may disagree.

Kenneth L. Marcus, who was confirmed last month in a party-line Senate vote, has been vocal in opposing affirmative action. Since his nomination, dozens of civil rights groups have raised alarms about Mr. Marcus’ record.

Under Mr. Marcus’ leadership as founder and president of The Louis D. Brandeis Center, a human rights organization that champions Jewish causes, the organization filed an amicus brief in 2012, the first time the Supreme Court heard the Fisher v. University of Texas at Austin. In the brief, the organization argued that “race conscious admission standards are unfair to individuals, and unhealthy for society at large.”

The organization argued that Asian-American students were particularly victimized by race “quotas,” that were once used to exclude Jewish people.

Conservative advocacy groups see the resurrection of the Bush-era guidance by the Education Department as a promising sign. Mr. Clegg of the Center for Equal Opportunity, said the Justice Department preserving the Obama-era guidance would be akin to “the F.B.I. issuing a document on how you can engage in racial profiling in a way where you won’t get caught.”

As the implications for affirmative action for college admissions plays out in court, it is unclear what the decision holds for elementary and secondary schools. New York City is embroiled in a debate about whether to change entrance criteria — currently a single test — into its most elite and prestigious high schools to allow for small increases in black and Latino students.

From: Michael Carey
Subject: FW: 9/11 action request

There has been a very interesting drama playing out since April 10th when the Lawyers' Committee For 9/11 Inquiry submitted its petition for a Grand Jury investigation of 9/11. Here's a synopsis.

A community newspaper in lower Manhattan called Westview News hosted Mick Harrison, Julio Gomez, Dave Meiswinkle, and several of us supporters at the home and office of the publication.

The publisher, George Capsis was adamant in his acceptance of the official story, even after 3 hours of the lawyers and others making the case why demolitions occurred in WTC 1, 2, and 7.

Still being persuaded we were all conspiracy theorists, he did invite the lawyers to submit an article and he would print it.

Julio Gomez did write an article which was supposed to be published on May 1st. However, members of the staff rose up in protest against including the article, saying the paper's audience would react negatively causing the paper's reputation to suffer.

This was followed by relentless effort by George's colleague, Dusty Berke, to have him view and understand the physical evidence. Finally, he agreed to view film footage on WTC 7 to which he realized fire could not have caused the collapse,

therefore, something entirely different had to have occurred.

Another meeting took place at the paper. Julio appeared again to make the case. Also, George had a few stalwarts in the community there. I believe one of them is a retired architect. His name is Barry Benepe.

Fast forward to end of May. This time, even with staff opposition, George did print the article, but along with a sort of disclaimer article about Dusty in an attempt to ameliorate the detractors.

There have been some favorable reader comments. You'll see mine there.

<http://westviewnews.org/2018/06/grand-jury-should-investigate-world-trade-center-explosions-on-911/>

Here's George's disclaimer article:

<http://westviewnews.org/2018/06/does-a-conspiracy-theory-hide-a-conspiracy/>

Currently, we need a lot of people to post a link to Julio's article, post comments, and especially send Letters To The Editor to gcapsis@gmail.com.

I'm told by Dusty they have to publish these online. The points that are needed are:

Gratitude for Westview News to be at the forefront in media by reporting on the petition and what it contains

Supporting details on evidence of demolitions, including witness testimonies

Evidence of government collusion, foreknowledge, and cover up

The stated agenda for a "new Pearl Harbor"

Why the public deserves a "full spectrum" investigation which finally includes the existence of facts, testimonies, and science which qualify as admissible evidence.

Please spread the word ASAP. The hope is for Westview News to continue to publish more articles revealing the reality of 9/11 and raising consciousness of local residents and politicians as we lead up to the upcoming anniversary.

This is a direct example of how some people rooted in the "polite establishment culture" view the exposure of the real crimes of 9/11 as a threat.

They'd rather live with the lie than deal with the emotional upset of the depth of evil which perpetrated the crimes. However, we as a country must be, no we are bigger than the forces which prefer the illusion of U.S. exceptionalism.

Let's use this opportunity to elevate the discussion which we as a culture cannot continue to obfuscate. This is our way to restoring sanity as well as honor and integrity.

Seize the day...

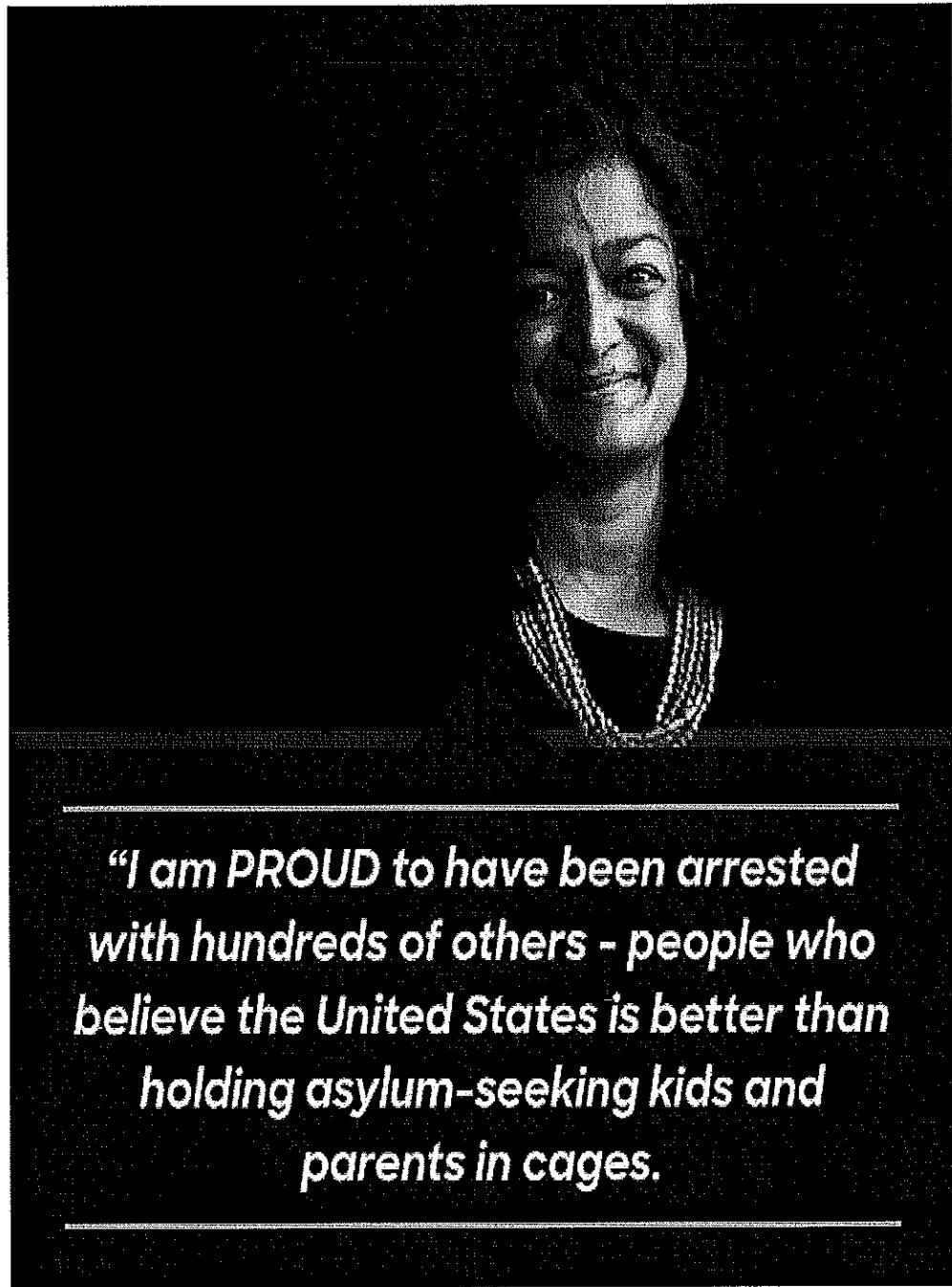
From: Progressive Caucus

Subject: Progressive Congresswoman ARRESTED for opposing Trump

SIGN ON: STAND WITH PRAMILA JAYAPAL →

Progressive Caucus vice chair Congresswoman Pramila Jayapal is one of the boldest anti-Trump voices in Congress.

But she was just ARRESTED at a protest against Trump's inhumane immigration policies:



***"I am PROUD to have been arrested
with hundreds of others - people who
believe the United States is better than
holding asylum-seeking kids and
parents in cages.***

America needs more representatives like Congresswoman Jayapal -- representatives who aren't afraid to fight on the front lines for justice.

That's why thousands of Progressives are signing on to show their support for Congresswoman Jayapal. *But we don't see your name!*

If you stand with Congresswoman Pramila Jayapal, sign your name:

I STAND WITH PRAMILA JAYAPAL →

Trump's immigration policies are inhumane and criminal.

Families are being detained. Refugees are being thrown in prisons, and children are being separated from their parents.

Progressives like Pramila Jayapal understand that every day this monstrous agenda continues is an attack on human decency.

That's why we're proud to support her as she fights on the front lines for justice.

But Munsup, we need to know if we can count on activists like you to stand with Pramila when it matters most.

Sign on to STAND with Congresswoman Pramila Jayapal:

I STAND WITH PRAMILA JAYAPAL →

<https://go.weareprogressives.org/Jayapal-Arrested>

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This message was sent to rep48@ohiohouse.gov by munsup@mpen-ohio.net

To forward this message, please do not use the forward button of your email application, because this message was made specifically for you only. Instead use the forward page in our newsletter system.
To change your details and to choose which lists to be subscribed to, visit your personal preferences page
Or you can opt-out completely from all future mailings.



From: Public Policy Law360
Sent: Thursday, July 5, 2018 5:12 AM
To: Rep48
Subject: Law360 Reveals The Global 20 Firms Of 2018



Thursday, July 5, 2018



GLOBAL 20

Feature

Law360 Reveals The Global 20 Firms Of 2018

What makes a law firm truly global? What does it take to handle the biggest and most complex cross-border matters? These firms know. Here, Law360 reveals its eighth annual ranking of the firms with the most international clout. [Read more »](#)

Feature

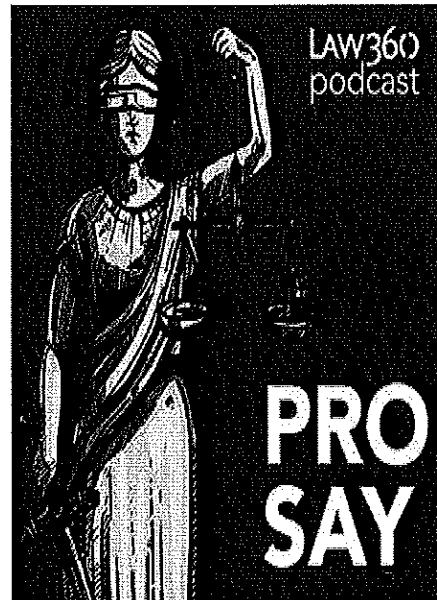
Global Law Firms Bulk Up In Europe As Brexit Approaches

With Britain less than a year from exiting the European Union, firms on Law360's Global 20 have begun pushing deeper into the countries remaining in the bloc, adding offices and industry specialists in a shift that could rebalance how BigLaw works in the region. [Read more »](#)

Feature

How Smaller Firms Can Go Global Without Going Bankrupt

Setting up shop across the globe may seem impossible for smaller law firms, but it can be done — and it's not the only way to get business overseas. Here, Law360 looks at



[Listen to our new podcast here](#)

LAW FIRMS

Akerman
Akin Gump
Allen & Overy
Ashurst LLP
Baker Botts
Baker McKenzie
BakerHostetler
Beeson Tayer

what firms should think about when deciding whether, and how, to go global. Read more »

TOP NEWS

Analysis

New Mexican Prez May Slow But Won't Stop Energy Reform

While cross-border energy attorneys don't expect Mexican President-elect Andres Manuel López Obrador to undo landmark constitutional reforms that opened up the country's energy sector to private and foreign investment in the last five years, they warn that he may slow down the pace of denationalization. Read more »

Trump Interviews Utah Sen. Mike Lee For Supreme Court

President Donald Trump added another name to the latest round of speculation about who will fill Supreme Court Justice Anthony Kennedy's seat — interviewing Sen. Mike Lee, R-Utah, for the vacancy Monday, Lee's office and the White House confirmed Tuesday. Read more »

Feature

Biggest Benefits Policy Developments In 2018: Midyear Report

So far this year, the U.S. Department of Labor has clarified how companies can include socially conscious investments in 401(k) plan lineups, test whether health care plans comply with mental-health parity laws and ensure retirement advisers aren't placing the company in legal hot water. Here's a look back at the major benefits policy developments from the first half of 2018. Read more »

Putin Aimed To Put Trump In Presidency, Senate Panel Agrees

The Senate Select Committee on Intelligence on Tuesday released initial findings from its review of a U.S. intelligence community assessment produced last year that backed its conclusion that the Russian government

Boies Schiller
Cleary Gottlieb
Cooley
Cornerstone Law Group
Covington & Burling
Cravath Swaine
DLA Piper
Danks Miller
Davis Graham
Dechert
Dentons
Drummond Woodsum
Earthjustice
Epstein Becker Green
Eversheds Sutherland
Fenwick & West
Gibson Dunn
Hanson Bridgett
Harris Wiltshire
Herbert Smith Freehills
Hobbs Straus
Hogan Lovells
Hoguet Newman
Holland & Knight
Jeffer Mangels
Joseph Greenwald
K&L Gates
Kasowitz Benson
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Lane & Waterman
Latham & Watkins
Linklaters
Lynn Pinker
Mayer Brown
Maynes Bradford
McGuireWoods

sought to help Donald Trump win the White House. [Read more »](#)

Sessions Cites 'Rule Of Law' In Nixing 24 DOJ Guidance Docs

Attorney General Jeff Sessions on Tuesday rescinded 24 U.S. Department of Justice guidance documents that he considered "unnecessary, outdated, inconsistent with existing law, or otherwise improper," striking down Obama-era stances on issues like affirmative action, refugees' right to work and juveniles in the criminal justice system. [Read more »](#)

BANKING & SECURITIES

CFPB Structure Is Unconstitutional, 5th Circ. Hears

A Mississippi check cashing and payday loan company fighting a Consumer Financial Protection Bureau enforcement action has told the Fifth Circuit that the consumer watchdog agency is unconstitutionally structured and can't be fixed except by striking down the law that set it up. [Read more »](#)

NY Wants Banks To Offer Services To Med. Marijuana Cos.

New York's banking regulator is urging its state-chartered banks and credit unions to offer banking services to the state's legal medical marijuana-related businesses, issuing guidance Tuesday that the agency said is intended to clear up the regulatory landscape in light of the drug's continued prohibition under federal law. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Extends Comment Period On Cost-Benefit Review Rules

The U.S. Environmental Protection Agency has extended the public comment period for its consideration of new regulations that would control how it determines the costs and

Milbank Tweed
Morgan & Morgan
Morgan Lewis
Morrison & Foerster
Munger Tolles
Native American Rights Fund
Norton Rose Fulbright
Ogletree Deakins
Orrick Herrington
Outten & Golden
Patterson & Sheridan
Pillsbury Winthrop
Reed Smith
Rimon PC
Seyfarth Shaw
Shapiro Arato
Shearman & Sterling
Sheppard Mullin
Sidley Austin
Stroock & Stroock
Swifter Axland
Troutman Sanders
Wheeler Trigg
White & Case
WilmerHale

COMPANIES
AREVA SA
AT&T Inc.
American Bar Association
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations
American Federation of State, County and Municipal Employees
Center for Human Rights & Constitutional Law
CenturyLink Inc.
China Mobile Ltd.

benefits of regulatory actions that impact the public and businesses, according to a notice published in the Federal Register on Tuesday. [Read more »](#)

DC Circ. Won't Revisit Decision On EPA Boiler Startup Rule

The D.C. Circuit on Tuesday rejected a rehearing request from the Sierra Club and other environmental groups that disagreed with a portion of its ruling on boiler emissions that pertain to the U.S. Environmental Protection Agency's startup and shutdown rules that the groups said did not go far enough. [Read more »](#)

Pa. Looks To Raise Permit Fee Cost For Fracking Wells

The Pennsylvania Department of Environmental Protection on Monday proposed more than doubling the application fee for new hydraulic fracturing oil and gas wells, an increase it says is necessary to continue funding the state's well-plugging fund. [Read more »](#)

HEALTH & LIFE SCIENCES

Medical Pot Smoking Ban Stays In Place As Fla. Fights On

Patients hoping to smoke medical marijuana in Florida will have to wait for the conclusion of the state's appeal of a decision finding an existing ban unconstitutional, after the appeals court reinstated an automatic stay on the lower court's decision Tuesday. [Read more »](#)

MEDIA & ENTERTAINMENT

Conn. Tells MGM To Butt Out In Suit Over Gambling Deal

Connecticut has once again urged a D.C. federal court to reject MGM Resorts International's bid to intervene in a suit by the state and two tribes against the federal government over its alleged inaction on

Comcast Corporation
Deloitte Touche
Democratic National Committee
Epic Systems Corp.
Ernst & Young
Facebook
Goldman Sachs Group Inc.
Google Inc.
HBR Consulting LLC
Hiscox
Ingenico Group SA
International Association of Privacy Professionals
International Brotherhood of Teamsters
JPMorgan Chase & Co.
Kaspersky Lab Ltd.
Law Foundation of Silicon Valley
Level 3 Communications Inc.
Lex Mundi Ltd
MGM Resorts International
Mohegan Sun
NBCUniversal Inc.
NFL Enterprises LLC
National Association of Home Builders
National Center for Youth Law
National Education Association
National Employment Law Project
Natural Resources Defense Council
Nordic Capital Ltd.
PHH Corporation
PricewaterhouseCoopers
Public Company Accounting Oversight Board
SanDisk Corporation
Siemens AG
Sierra Club

changes to a tribal-state gambling deal, arguing that MGM's involvement is improper. [Read more »](#)

EMPLOYMENT

DC Circ. Mulls Review Of Browning-Ferris Joint Employer Row

Browning-Ferris Industries urged a D.C. Circuit panel in oral arguments Tuesday not to resume review of an Obama-era decision from the National Labor Relations Board against the company expanding the joint employer standard that controls when multiple companies can be deemed responsible for workers. [Read more »](#)

NJ Gov. OKs Bill Giving Public Unions Pension Fund Control

New Jersey Gov. Phil Murphy on Tuesday signed off on a bill that will transfer the management of the police and firefighters public pension fund from the state to a board of trustees after the state legislature accepted recommendations he made when he conditionally vetoed the bill in May. [Read more »](#)

Feature

The FLSA Turns 80: How Plaintiffs Want The Law Updated

The Fair Labor Standards Act celebrated its 80th birthday last week, and legal experts on both sides of the worker-management divide say the landmark law is showing its age. Here, Law360 looks at how employment attorneys who represent workers say Congress should bring the statute into the 21st century. [Read more »](#)

8th Circ. Nixes Contempt Ruling In DOL Wage Probe

The Eighth Circuit ruled Tuesday that a restaurant shouldn't be held in civil contempt for not turning over documents about its owners' other businesses to the U.S.

Skype Technologies SA
Southern Poverty Law Center
Starbucks Corporation
Take-Two Interactive Software, Inc.
Telenor ASA
The Boeing Company
The ERISA Industry Committee
Tokio Marine Holdings
Toshiba
Twitter Inc.
Verizon Communications Inc.
Washington Capitals
Washington Nationals
Zenefits FTW Insurance Services Inc.
Zeughauser Group LLC

GOVERNMENT AGENCIES
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
California Environmental Protection Agency
Central Intelligence Agency
Consumer Financial Protection Bureau
Department of Commerce
Energy Information Administration
European Commission
European Union
Federal Bureau of Investigation
Federal Communications Commission
Federal Election Commission
Federal Judicial Center
Financial Crimes Enforcement Network
Florida Attorney General's Office
Florida Department of Health

Department of Labor since it didn't have those documents in its possession, adding that the agency isn't allowed to use judicial contempt orders to essentially mount a "fishing expedition." [Read more »](#)

CYBERSECURITY & PRIVACY

Analysis

Calif. Privacy Law To Spark GDPR-Like Compliance Efforts

The California privacy law hastily enacted last week will require online giants, telecoms, retailers and a host of others to overhaul the way they manage personal data and interact with consumers, likely prompting many companies to build on similar efforts they've made to comply with the European Union's sweeping general data protection regulation, attorneys say. [Read more »](#)

INTERNATIONAL TRADE

EU Rips Trump For Mulling Car Tariffs Tied To US Security

The European Union has warned the Trump administration against installing tariffs on its cars, trucks and auto parts, blasting the suggestion that these imports are threatening the national security of the United States, according to its comments circulated Monday. [Read more »](#)

TAX

NJ Gov. Signs \$425M Tax Credit Bill For Film, Digital Media

New Jersey Gov. Phil Murphy on Tuesday signed legislation authorizing a \$425 million film and digital media tax credit program after state legislators adopted his recommended changes to extend the tax breaks to reality television shows, and to permit an additional tax incentive to encourage the hiring of women and minorities. [Read more »](#)

Internal Revenue Service
International Chamber of Commerce
Mashantucket Pequot Tribal Nation
Mohegan Tribe
NAFTA
National Labor Relations Board
National Railroad Passenger Corporation
National Security Agency
National Telecommunications and Information Administration
Navajo Nation
New York Attorney General's Office
New York State Department of Financial Services
Occupational Safety and Health Administration
Office of Juvenile Justice and Delinquency Prevention
Office of the Montana State Auditor
Omaha Tribe of Nebraska
Pennsylvania Department of Environmental Protection
Seminole Tribe of Florida
U.S. Attorney's Office
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency

IMMIGRATION

9th Circ. Revives Chinese Woman's Asylum Bid

The Ninth Circuit on Monday sent back to the Board of Immigration Appeals a Chinese woman's bid for either asylum or withholding of removal after determining that she credibly testified that the Chinese government physically forced her to have an abortion. [Read more »](#)

Judge Considers Bad Faith In Census Citizenship Query Row

A Manhattan federal judge indicated Tuesday that he is unlikely to dismiss a challenge to the Trump administration's addition of a question about citizenship status to the 2020 census, and added he sees reason to suspect bad faith on the part of a Cabinet member who has given shifting explanations for the origin of the controversial policy. [Read more »](#)

ACLU Fights To Uphold Flores Protections For Immigrant Kids

The American Civil Liberties Union urged a California federal court Monday to uphold protections for immigrant children who are detained at the border, arguing the government cannot detain children with their parents for extended periods in order to deter other families from crossing the border illegally. [Read more »](#)

NATIVE AMERICAN

Navajo Can't Get Contempt Order In Gerrymandering Suit

A Utah federal judge won't find San Juan County in contempt after the Navajo Nation alleged that the municipality was flouting a court order requiring it to use certain election districts recommended by a special master for the upcoming November 2018 elections in a

U.S. House Committee on Energy and Commerce

U.S. Senate

U.S. Supreme Court

U.S. Uniform Law Commission

United Keetoowah Band of Cherokee Indians

Wage and Hour Division

dispute over racial gerrymandering. Read more »

ND Native Voters Urge 8th Circ. To Keep Block On ID Law

A group of Native Americans urged the Eighth Circuit on Monday to preserve a North Dakota federal judge's injunction that blocked portions of a 2017 state voter identification law for discriminating against Native voters, saying the state had furnished no evidence of voter fraud that would justify the law. Read more »

TELECOMMUNICATIONS

Trump Admin Urges FCC To Block Chinese Common Carrier

A group of federal agencies with national security and technology management missions have urged the Federal Communications Commission to block a powerful Chinese telecom operator from expanding its networks to the U.S. Read more »

NBCU Pushes FCC To Create Video Description Safe Harbor

Comcast-NBCU has urged the Federal Communications Commission to let it count more of its programming toward the mandated number of hours broadcasters must air shows with video-descriptions, which allow the blind and sight-impaired to listen to narrated versions of TV programs. Read more »

Pai Looks To Strengthen FCC Probes Of Hiring Bias In Media

Federal Communications Commission Chairman Ajit Pai proposed a plan Tuesday that would enhance the commission's enforcement resources to investigate discrimination in the communications industry. Read more »

FCC Asks DC Circ. To Pause Small-Cell Rule Challenges

The Federal Communications Commission asked the D.C. Circuit to put on hold combined challenges from Native American tribes and environmentalists to an agency rule exempting from environmental and historic reviews small-cell fixtures necessary for building up next-generation or 5G networks. [Read more »](#)

Sprint Urges FCC To Clarify Local Carrier Fee Rules

Sprint representatives met with the Federal Communications Commission on Tuesday to urge the agency to resolve legal questions surrounding whether carriers must pay local access charges even for wireless users making local calls, a dispute over compensation that has been playing out in multidistrict litigation for several years. [Read more »](#)

Pai Elevates FCC Broadband Deployment Panel Members

Federal Communications Commission Chairman Ajit Pai announced the elevation of two members of the agency's Broadband Deployment Advisory Committee on Monday, with one named vice chair and the other appointed to the full committee from one of its working groups. [Read more »](#)

WHITE COLLAR

Manafort Seeks Juror Questions On Politics, Media Habits

Former Trump campaign chair Paul Manafort is very interested in the political leanings and media diet of prospective jurors in his looming trial for financial crimes, a request for jury questions filed in Virginia federal court has shown. [Read more »](#)

Ex-Rep. Schock Will Ask Justices To Examine Fraud Charges

Former U.S. Rep. Aaron Schock will ask the U.S. Supreme Court to consider whether his indictment on charges he misused campaign

and government money to support a lavish lifestyle clashes with the U.S. Constitution's speech-or-debate clause and rule-making clause, according to a court filing. [Read more »](#)

Insurer Witness In Skelos Trial Grilled Over NY Sanction

Attorneys for former New York state Senate Majority Leader Dean Skelos and his son Adam on Tuesday went after a government witness who says he gave the younger Skelos a job in part to keep key state legislation to his insurance company viable, by questioning him over a state regulator's finding that he engaged in misconduct at a medical malpractice insurer. [Read more »](#)

EXPERT ANALYSIS

Inside The NLRB's General Counsel Memo On Boeing

Last month, National Labor Relations Board General Counsel Peter Robb clarified how he expects the agency's regional directors will apply the 2017 Boeing Co. opinion when considering unfair labor practice charges concerning work rules and handbook policies. Unions and employees can take solace in the fact that the GC appears committed to case-by-case evaluation, say Steven Swirsky and Genevieve Murphy-Bradacs of Epstein Becker Green. [Read more »](#)

Some Good Prop 65 News For Businesses

It is rare for anything having to do with California's infamous Proposition 65 warning law to be welcomed by businesses, but a dizzying flurry of recent developments may prove an exception, say attorneys with Morrison & Foerster LLP. [Read more »](#)

A Look At Chicago's Data Protection Proposal

The Chicago City Council is considering privacy legislation that would regulate online

businesses that collect or broker sensitive personal information. Enacting this ordinance would ensure that Illinois remains at the forefront of the country's ongoing privacy debates, says Molly DiRago of Troutman Sanders LLP. [Read more »](#)

Opinion

Washington State Should Amend Its Anti-Rebate Laws

Due to Washington state's anti-rebate laws, Zenefits customers in Washington now pay over \$1,000 per year for a service that should be free. If a law advances no legitimate policy objective, and its net effect is to harm consumers, then the legislature should change the law, say Nicholas Gregory and Shawn Hanson of Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Opinion

Centrist Analysis Of Justice Kennedy's Retirement Is Flawed

In telling Democrats and progressives not to melt down over the prospect of President Trump appointing another U.S. Supreme Court justice following Justice Anthony Kennedy's retirement, the centrists make four main arguments. None of them are convincing, says Gordon Renneisen of Cornerstone Law Group. [Read more »](#)

Roundup

From Lawmaker To Lawyer

Earlier this year, Rep. Trey Gowdy, R-S.C., made headlines with his decision to leave Congress and return to law. In this series, former members of Congress who made that move discuss how their experience on the Hill influenced their law practice. [Read more »](#)

LEGAL INDUSTRY

Global 20: White & Case

Working across far-flung offices to secure hundreds of billions in deals that include Eastern and central Europe's largest-ever

telecom transaction while also fielding major cross-border disputes, White & Case LLP again earned a spot on Law360's Global 20. [Read more »](#)

Feature

High Court Nomination Watch: DC Circ.'s Brett Kavanaugh

Unlike others considered favorites to replace U.S. Supreme Court Justice Anthony Kennedy, D.C. Circuit Judge Brett Kavanaugh has a voluminous judicial record after 12 years on the federal appellate bench — one that reflects his strong conservative views on the law. [Read more »](#)

Feature

Law Firms Beware: Big 4 Leaders Eye More Legal Growth

The Big Four's march into the legal industry has been relentless over the past decade, and leaders of Deloitte and EY told Law360 in recent interviews that onlookers should only expect a ramping-up of their expansion into the legal market going forward. [Read more »](#)

Sheppard Mullin, Herbert Smith Tout Associate Pay Shifts

Sheppard Mullin Richter & Hampton LLP announced on Tuesday that it would join the throng of firms offering associates base salary hikes according to the new market standard established in June, while international firm Herbert Smith Freehills LLP made public the rollout of a new compensation system for British associates that focuses more on performance than seniority. [Read more »](#)

JOBS

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From: Public Policy Law360
Sent: Friday, July 6, 2018 4:55 AM
To: Rep48
Subject: Trump Says Supreme Court Shortlist Down To 4 Names



Friday, July 6, 2018



TOP NEWS

Trump Says Supreme Court Shortlist Down To 4 Names

President Donald Trump has whittled his shortlist of replacements for retiring U.S. Supreme Court Justice Anthony Kennedy to four and aims to arrive at his final choice while at his New Jersey golf club this weekend, he told reporters Thursday. [Read more »](#)

Feature

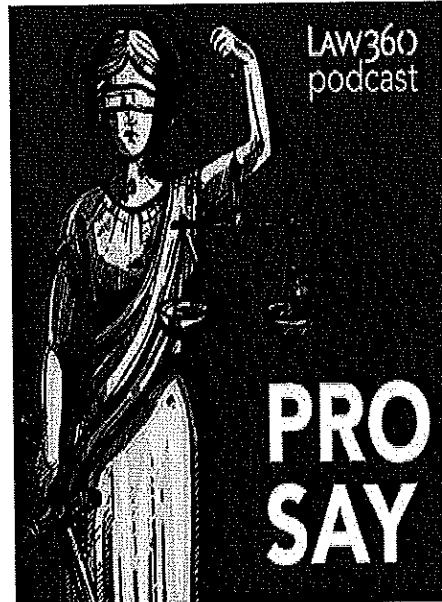
High Court Nomination Watch: 6th Circ.'s Joan Larsen

Sixth Circuit judge and Supreme Court contender Joan Larsen is well regarded in legal circles, but with only a few years of experience on the bench, her overall judicial philosophy is still coming into view. [Read more »](#)

Enviros Vow To Fight New EPA Chief After Pruitt Resignation

U.S. Environmental Protection Agency Administrator Scott Pruitt on Thursday resigned after being accused of a long string of ethical scandals, but environmental groups said their focus will remain on fighting the Trump administration's deregulatory agenda, regardless of who's in charge. [Read more »](#)

Feature



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LAW FIRMS

Allen & Overy
Ball Ball
Bartlit Beck
Boies Schiller
Carlton Fields
Clark Hill
Cravath Swaine
Drinker Biddle

Top Immigration Cases Of 2018: Midyear Report

In the first half of 2018, U.S. Attorney General Jeff Sessions overturned several Board of Immigration Appeals rulings and federal courts grappled with the constitutionality of sanctuary policies, driver's licenses for immigrants in Arizona, and neglected children who have been given relief from deportation. After recapping the U.S. Supreme Court term on Monday, Law360 now looks back at the biggest immigration rulings of the year so far at the BIA and federal courts. [Read more »](#)

EU Parliament Calls For Data Deal's End Unless US Complies

The European Parliament on Thursday called for the EU-US Privacy Shield data transfer deal to be suspended unless the United States is "fully compliant" with the mechanism by September, echoing privacy concerns raised by the body's civil liberties committee last month. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Sends 2015 Ozone Rule To White House For Review

The U.S. Environmental Protection Agency on Tuesday sent a final rule that will guide states on how to implement 2015 ozone standards to the White House for review. [Read more »](#)

EPA Will Enforce Conflict Rules At 3 State Air Boards

A D.C. federal judge on Thursday ordered the U.S. Environmental Protection Agency to enforce conflict-of-interest standards for air pollution officials in Mississippi, Alabama and Illinois that are required under the Clean Air Act after the EPA agreed to meet the demands of environmental groups that had sued the agency. [Read more »](#)

FERC's Market Worries Doom Nuke Plant Subsidies, Foes Say

Drummond Woodsum
Epstein Becker Green
Faegre Baker
Foley & Lardner
Gibson Dunn
Girard Gibbs
Grant & Eisenhofer
Hillis Clark
Huang Ybarra
Jenner & Block
Jones Day
Kanji & Katzen
Katten Muchin
Keker Van Nest & Peters
Kelly Remmel
Kirkland & Ellis
Latham & Watkins
Law Offices of Alan S. Futerfas
Linklaters
Massey & Gail
McCarter & English
McDermott Will
Milbank Tweed
Morris Nichols
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
O'Melveny & Myers
O'Neill & Borges
Orrick Herrington
Paul Hastings
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel
Rosette LLP
Schiller
Seyfarth Shaw
Sidley Austin

The Federal Energy Regulatory Commission's recent order that PJM Interconnection revise its electricity market rules to blunt the impact of state clean energy policies supports arguments that the Seventh and Second Circuits must invalidate nuclear plant subsidies offered by Illinois and New York, challengers of the subsidies say. [Read more »](#)

IP & TECHNOLOGY

EU Lawmakers Reject Controversial Copyright Proposal

The European Union on Thursday voted against a copyright bill that would have made tech companies such as Google and Facebook pay a "link tax" on copyrightable material on their websites, sending the bill back to lawmakers for retooling. [Read more »](#)

CYBERSECURITY & PRIVACY

Calif. Privacy Law To Hit Over 500K Companies: Report

More than half a million U.S. companies could be affected by California's new privacy law, many of them small- to medium-sized business, according to a report by the International Association of Privacy Professionals. [Read more »](#)

Artificial Intelligence Policy Needs Public Input, Gov't Told

The Electronic Privacy Information Center and several leading scientific organizations and scholars are urging the White House to solicit public comments on the development of the nation's first artificial intelligence policy, arguing that the closed policymaking process has ignored critical privacy, accountability and fairness issues. [Read more »](#)

AEROSPACE & DEFENSE

2nd Circ. Says Drone Strike FOIA Ruling Reveals Too Much

Simpson Thacher
Skadden
Somach Simmons
Spears & Imes
Spiegel & McDiarmid
Van Osdol
Wachtell Lipton
Young Conaway

COMPANIES

AT&T Inc.
AbbVie Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
Association of Corporate Counsel
BB&T Corporation
Center for Biological Diversity Inc.
Comcast Corporation
Competitive Enterprise Institute
Dell Technologies Inc.
Electronic Privacy Information Center
Exelon Corporation
Facebook
Fairchild Semiconductor Corporation
Federalist Society
First Gulf Bank PJSC
Ford Motor Co.
General Motors
Google Inc.
HBR Consulting LLC
Immigrant Legal Resource Center
International Association of Privacy Professionals
JPMorgan Chase & Co.
Johnson & Johnson
Lambda Legal Defense & Educational Fund

A New York federal court must keep under wraps certain information about targeted drone strikes abroad, the Second Circuit said Thursday, ruling the district court did not have to decide whether the federal government had officially acknowledged a disputed fact because it had no bearing on the disclosure of documents. [Read more »](#)

FAA Drone Rule Advisers Aim To Ax Privacy Group's Suit

The group that advises the Federal Aviation Administration on how to regulate drones asked a D.C. federal judge Wednesday to toss a privacy watchdog's "baseless" suit, claiming it wasn't as upfront as it should've been with the public and failed to assess the privacy risks of drones. [Read more »](#)

Trump Trans Military Ban Like Segregation, 9th Circ. Told

The Trump administration's policy blocking transgender people from military service "borrows from the same playbook" the government used to segregate the armed forces by race until 1948, the NAACP Legal Defense Fund wrote in one of nine amicus briefs filed this week in a Ninth Circuit appeal of an injunction blocking the ban [Read more »](#)

INTERNATIONAL TRADE

G-20 Trade Barriers Rise As Tensions Near Boiling, WTO Says

Trade barriers among the G-20 nations have doubled over the past six months, the World Trade Organization reported Wednesday, stoking fears that the escalating tariff battle among the world's most powerful governments is taking root across the global economy. [Read more »](#)

TAX

6th Circ. Tosses Claim That IRS Violated Privacy Act

Los Angeles Times
MasterCard Incorporated
Mexican American Legal Defense and Education Fund
Microsoft Corporation
Mitratech Inc.
Motorola Solutions Inc.
Murray Energy Corp.
NAACP Legal Defense and Educational Fund Inc.
NFL Enterprises LLC
National Bank of Abu Dhabi
National Immigration Law Center
Natural Resources Defense Council
New York Times Co.
Nuclear Energy Institute
PJM Interconnection LLC
Piaggio & C. SpA
PricewaterhouseCoopers
Salesforce.com Inc.
Sierra Club
State Farm
Toyota Motor Corporation
Trump Organization Inc.
Twitter Inc.
Universal Service Administrative Co.
Vantiv Inc.
Wal-Mart Stores Inc.
Walt Disney Parks & Resorts Worldwide Inc.
Xcel Energy Inc
ZTE Corp.

GOVERNMENT AGENCIES
Alabama Department of Environmental Management
Bureau of Citizenship and Immigration Services

The Sixth Circuit on Thursday threw out a claim that the Internal Revenue Service violated the Financial Right to Privacy Act by issuing two John Doe summonses, finding instead that the doctrine of sovereign immunity protects the agency from such charges. [Read more »](#)

IRS Can't Dodge FOIA Request About Islamic Charity

A D.C. federal judge has rejected the Internal Revenue Service's bid to toss a Freedom of Information Act request for communications about an Islamic charity, saying the IRS must look for the records and present evidence that the information is confidential. [Read more »](#)

Pittsburgh Pushes Court To Keep Amazon HQ2 Bid Secret

Allegheny County, Pennsylvania, and the city of Pittsburgh fought to keep their bid for Amazon's second headquarters secret Thursday, claiming that the 300-page proposal to woo the internet giant contains trade secrets and proprietary information that would harm the region's chances of landing a major investment if it were made public. [Read more »](#)

Okla. Group Quits Challenging Tax Hikes For Teachers' Raises

An Oklahoma taxpayer group has announced it will not pursue a second petition challenging new tax increases for teachers' pay raises, saying that the state Supreme Court's rejection of its first effort would force it to start over. [Read more »](#)

BANKRUPTCY

Puerto Rico Gov. Challenges Fed Board's Legal Authority

Puerto Rico Gov. Ricardo Rosselló filed suit Thursday in the island's bankruptcy-like cases to challenge a federal board's authority to impose budget cuts and austerity measures in long-term fiscal plans for the commonwealth,

Bureau of Indian Affairs
Bureau of Reclamation
California Attorney General's Office
California Supreme Court
Department of Commerce
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications
Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory
Commission
Federal Judicial Center
Federal Trade Commission
Fish and Wildlife Service
Houlton Band of Maliseet Indians
Internal Revenue Service
International Trade Commission
Klamath Tribes
National Highway Traffic Safety
Administration
National Marine Fisheries Service
National Security Agency
National Telecommunications and
Information Administration
Office of the U.S. Trade
Representative
Oklahoma Supreme Court
San Manuel Band of Mission
Indians
Transportation Security
Administration
U.S. Attorney's Office
U.S. Customs and Border
Protection
U.S. Department of Defense

saying it does not have the power to make local policy decisions. [Read more »](#)

IMMIGRATION

Calif. Sanctuary Laws Mostly Survive DOJ Challenge, For Now

A California federal judge said Wednesday that the Golden State may leave in place several state "sanctuary" statutes in the face of a challenge by the U.S. Department of Justice that they interfere with federal immigration laws, while also halting several provisions in one state labor law. [Read more »](#)

State Dept. Scraps Visa Waiver For Caribbean Farm Workers

The U.S. Department of State will require certain Caribbean residents, including European citizens, to get a visa to travel to the U.S. as temporary agricultural workers, stating that an earlier rule exempting those residents from the visa requirement had "created a vulnerability" in the U.S. immigration system, according to a rule filed Thursday. [Read more »](#)

DHS To Extend Temporary Protected Status For Yemenis

The U.S. Department of Homeland Security announced Thursday that approximately 1,250 Yemenis can stay in the United States for another 18 months due to the Middle Eastern country's ongoing armed conflict, extending the temporary protection status that it has ended for citizens of other countries. [Read more »](#)

Asylum Seekers Likely To Prove US Deterrence Policy: Judge

Three asylum seekers who were repeatedly denied parole hearings are likely to establish that the federal government unlawfully denies parole determinations as a way to deter others from entering the United States, a District of

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

World Trade Organization

Columbia federal judge held Tuesday. Read more »

NATIVE AMERICAN

Tribes Lose Challenge Of Deadline Extension In Water Row

A Maine federal judge has denied a bid from two tribes to reconsider an order granting a briefing schedule deadline extension in the state's lawsuit challenging the U.S. Environmental Protection Agency's tightening of water quality standards for tribal waters. Read more »

BIA Approves Tribes' Business Leasing Regulations

The Bureau of Indian Affairs has signed off on regulations for two Native American tribes that will allow them to bypass BIA approval of land lease deals for businesses, according to a notice to be published on the Federal Register on Friday. Read more »

Tribes Seek To Keep ESA Focus In Klamath Water Level Suit

The Klamath Tribes on Thursday urged a California federal judge not to allow intervenors in their Endangered Species Act suit against the federal government to add their reply to filings about the tribes' bid for an injunction that would force the government to maintain water levels the tribes say would be sufficient to protect two species of fish Read more »

TELECOMMUNICATIONS

FCC Urged Not To Cut Lifeline Funds From Wireless Resellers

The trade group Incompas is lobbying the Federal Communications Commission against steering Lifeline telecommunications services subsidy funds away from wireless resellers and toward phone carriers that have their own network infrastructure, according to an ex parte filing detailing a meeting at which the

organization warned against eliminating "competitive options." [Read more »](#)

Calif. Lawmakers Reach Deal On Net Neutrality Bill

California lawmakers announced Thursday that they have reached a deal to impose at the state level so-called net neutrality consumer protections that were revoked by the Federal Communications Commission in December. [Read more »](#)

Toyota Campaigns For FCC To Save Car Safety Tech

Toyota representatives have been meeting with commissioners of the Federal Communications Commission in a continued push to save a safety technology that would allow its cars to wirelessly communicate with each other about road hazards, according to a letter from the automaker. [Read more »](#)

Group Seeks To Cut 'Burdensome' Rules For Kid's Ad Records

As the Federal Communications Commission considers rolling back rules covering minimum children's broadcast programming requirements, the American Cable Association is lobbying the agency to also ease the "overly burdensome and redundant" obligation for cable operators to submit detailed records of commercials aired during children's programs, according to a recent filing. [Read more »](#)

WHITE COLLAR

With McDermott Reportedly Going, Cohen Hires Ex-Clinton Atty

President Donald Trump's former personal attorney Michael Cohen has hired a prominent Washington lawyer known for working with the Clinton White House to represent him as he faces a federal corruption investigation and reportedly phases out his legal team at McDermott Will & Emery LLP. [Read more »](#)

Manafort Asks DC Circ. To Let Him Out Of Jail Before Trial

Paul Manafort on Thursday asked the D.C. Circuit to be released on bail ahead of his upcoming trials over alleged financial crimes and foreign lobbying charges, saying the lower court failed to consider the weight of the evidence against him when it ordered Manafort locked up. [Read more »](#)

EXPERT ANALYSIS

Epic Systems And The Erosion Of Federal Class Actions

Over the last decade, the U.S. Supreme Court has made it progressively harder for consumers and employees to vindicate their rights through class actions. Although plaintiffs can still bring meritorious class actions in federal court, the recent decision in Epic Systems confirms that plaintiffs should look for creative alternatives in state court, say Amanda Karl and Steven Tindall of Gibbs Law Group LLP. [Read more »](#)

Reading The China Tariff Tea Leaves

With tariffs against some \$250 billion of Chinese goods taking effect Friday, U.S. companies that do business with China are wondering what happens next. While China is the more export-dependent country, it is unlikely to face the sort of industry protests and lobbying aimed at the Trump administration in opposition of the tariffs, says Mark Ludwikowski of Clark Hill PLC. [Read more »](#)

Lax Regulations Make Scooters A Perfect Liability Storm

Scooters and mopeds are all the rage across the country, but these cheap rides can be costly in terms of public safety. It's a perfect storm from a safety and liability standpoint. States and cities must enact laws that protect drivers and pedestrians, including licensing and insurance requirements, says Neama

Rahmani of West Coast Trial Lawyers. Read more »

LEGAL INDUSTRY

Global 20: Allen & Overy

Allen & Overy LLP attorneys from dozens of international offices collaborated this past year to oversee three of the six largest cross-border mergers and multibillion-dollar bond issuances in China, Saudi Arabia and Nigeria, landing the firm on Law360's Global 20 list. [Read more »](#)

Analysis

The Influential Judges On Trump's Supreme Court Shortlist

Conservative heavyweights fill out President Donald Trump's list of potential Supreme Court nominees to step into Justice Anthony Kennedy's seat. But how do they rate as judges? A new ranking from Ravel Law reveals how much weight they carry among their peers. [Read more »](#)

Feature

High Court Nomination Watch: 3rd Circ.'s Thomas Hardiman

As attention on the U.S. Supreme Court has heated up since the retirement of Justice Anthony Kennedy on June 27, a previous member of President Donald Trump's shortlist for a high court vacancy, Third Circuit Judge Thomas Hardiman, has bubbled to the surface again as a potential nominee. [Read more »](#)

Katten Muchin Raises Salaries, But Not For All Associates

Katten Muchin Rosenman LLP announced in an internal memo made public Thursday that it would raise base salaries for some of its U.S. associates in July in accordance with the new market scale, on the condition that they are on track to make their billable hour targets for the year. [Read more »](#)

Feature

Legal Tech Cos. On The Rise As GCs Embrace Automation

Legal technology companies are reaping big benefits as corporate law departments look to free up attorneys to devote more time to complex tasks, and as the role of custom technology and automated processes gain momentum in the legal profession. Here's what in-house lawyers need to know about how this expanding environment is transforming the industry. [Read more »](#)

Del. Chancery Court's 2 New Seats Likely To Be Filled Soon

A planned expansion of Delaware's current five-member Court of Chancery gathered steam Thursday, one week after enactment of a state budget that added two new vice chancellor seats to the nationally prominent, 226-year-old equity court that routinely handles multibillion-dollar disputes. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

This week's legal lions include a team from Quinn Emanuel Urquhart & Sullivan LLP and Paul Hastings LLP that helped get a \$140 million verdict junked, while on the legal lambs list is a former BigLaw attorney who pled guilty to running an unlawful money transfer business. [Read more »](#)

JOBS

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New York, New York

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From: Public Policy Law360
Sent: Monday, July 9, 2018 5:12 AM
To: Rep48
Subject: What You Need To Know For The Supreme Court Nomination



Monday, July 9, 2018



TOP NEWS

What You Need To Know For The Supreme Court Nomination

President Donald Trump is expected Monday night to name his choice to replace Justice Anthony Kennedy. The nomination will give the president his second chance to name a justice to the high court in less than two years, setting up a high-stakes political battle likely to consume the legal world and the nation in the months to come. [Read more »](#)

Feature

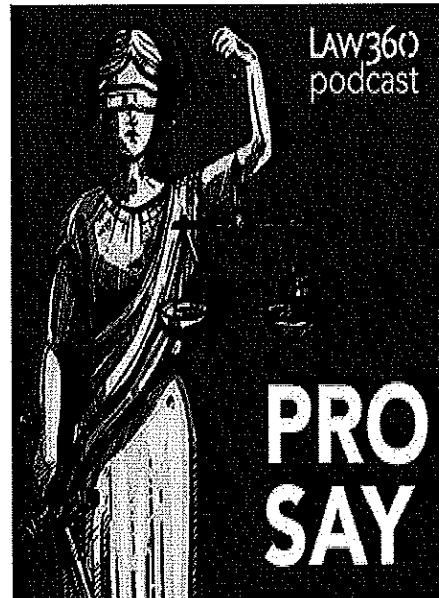
High Court Nomination Watch: 6th Circ.'s Raymond Kethledge

When President Donald Trump announces his replacement for retiring U.S. Supreme Court Justice Anthony Kennedy on Monday, he could look west to Sixth Circuit Judge Raymond Kethledge. [Read more »](#)

Conservatives Split On Kavanaugh For High Court

As President Donald Trump prepares to announce his U.S. Supreme Court nominee, the conservative legal world is divided over whether to support D.C. Circuit Judge Brett Kavanaugh for the spot. [Read more »](#)

Analysis



[Listen to our new podcast here](#)

LAW FIRMS

Akerman
Allen & Overy
Alston & Bird
Altshuler Berzon
Arnold & Porter
Baker McKenzie
Balch & Bingham
Ballard Spahr

Pruitt's Legacy At The EPA: Big Goals, Mixed Results

Outgoing U.S. Environmental Protection Agency Administrator Scott Pruitt left the post with his deregulation goals far from complete, but experts say he managed to refocus the agency on industry priorities and left a significant administrative mark on it in his 17 scandal-filled months. [Read more »](#)

Feature

DACA To TPS: Biggest Immigration Cases To Watch

Challenges to the Trump administration's immigration policies — including its attempts to separate noncitizen families at the border, end certain programs offering deportation relief and undermine so-called sanctuary policies — have swept federal court dockets in recent months with no sign of slowing down. Here, Law360 looks ahead at the biggest ongoing immigration cases. [Read more »](#)

Feature

Telecom Lobbying In Trump's DC Blurs Access And Expertise

When AT&T public policy executive Bob Quinn sat down to a private dinner with Federal Communications Commission Chairman Ajit Pai last February, the meal at the chic Hotel Neri restaurant in Barcelona had the trappings of a typical meeting between U.S. politicos. [Read more »](#)

Calif. Art Royalties Law Only Applies To 1977 Sales: 9th Circ.

A Ninth Circuit panel ruled Friday that California's Resale Royalties Act, effective since 1977, only applies to art sales conducted prior to the 1978 effective date of the federal Copyright Act, mostly affirming a lower court's dismissal of long-running class action litigation against Christie's Inc., Sotheby's Inc. and eBay Inc. [Read more »](#)

DC Circ. Denies Challenge To FAA Hobbyist Drone Rule

Bracewell
Browne George
Chambliss Bahner
Constantine Cannon
Cooley
Cornerstone Law Group
Covington & Burling
Cravath Swaine
Crowell & Moring
DLA Piper
Davis Wright Tremaine
Earthjustice
Epstein Becker Green
Fenwick & West
Gibson Dunn
Girard Gibbs
Goodwin
Gray Cary
Greenberg Glusker
Greenberg Traurig
Guida Slavich
Gupta Wessler
Hanson Bridgett
Hogan & Vandenberg
Hoguet Newman
Hunton Andrews Kurth
Hyman Phelps
Jeffer Mangels
Jones Day
Kobre & Kim
Lawyers' Committee for Civil Rights
Marzulla Law
McDermott Will
Meyers Nave
Michael Best
Milbank Tweed
Miller Starr

The D.C. Circuit on Friday denied a challenge to an allegedly overreaching Federal Aviation Administration rule regulating hobbyist drones, finding that the regulation was within the agency's statutory authority. [Read more »](#)

BANKING & SECURITIES

Analysis

SEC Moving Toward Sharper Clarity On Crypto Regs, ICOs

Nearly one year since the U.S. Securities and Exchange Commission weighed in on cryptocurrencies and their related funding ventures known as initial coin offerings, attorneys say the regulatory landscape governing this nascent market is getting clearer. [Read more »](#)

CFPB Deputy To Exit, Drop Suit Over Mulvaney Appointment

Deputy Director Leandra English of the Consumer Financial Protection Bureau is leaving the agency and dropping her court challenge to Mick Mulvaney's appointment as acting director, she and her attorney said Friday. [Read more »](#)

Regulators Want CCPs To oversee Commodity Storage

Derivatives prices will be pushed down if data about storage of the commodity that underlies them is not transparent, a group of global securities regulators has warned, as they proposed that central counterparties should ensure that reserves are robust. [Read more »](#)

ENERGY & ENVIRONMENTAL

DC Circ. Overturns FERC License For Alabama Power Co.

The D.C. Circuit on Friday said the Federal Energy Regulatory Commission's 30-year license for Alabama Power Co's generating facilities to continue operating on the Coosa

Morgan Lewis
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
Orrick Herrington

Paul Hastings
Reed Smith
Ropes & Gray
Shapiro Arato
Shearman & Sterling
Sidley Austin
Simpson Thacher
Skadden
Stoel Rives
Sullivan & Worcester
Weil Gotshal
Willkie Farr
Yetter Coleman

COMPANIES

AT&T Inc.
AbbVie Inc.
Alabama Power Co.
American Cable Association
American Civil Liberties Union
American Immigration Lawyers Association
Apple Inc.
Archer Daniels Midland Co.
Bank of America Corporation
Christie's International PLC
Coinbase Inc.
Competitive Carriers Association
Consumer Bankers Association
Defenders of Wildlife
Deloitte Touche
Dendreon Corporation
Deutsche Telekom AG
Dominion Energy Inc.

River should be nixed, deciding it was based on environmental assessments that did not properly consider current harm the facilities cause. Read more »

EPA Must Rethink Kiln Emissions Rules, DC Circ. Says

The D.C. Circuit on Friday denied petitions from industry groups challenging new EPA kiln air emissions standards for brick and clay manufacturers, but mostly sided with environmental groups who argued that the rules didn't go far enough to protect the public from the health risks of air pollution. Read more »

Enviros Ask 4th Circ. To Halt Atlantic Coast Pipeline

A handful of environmental groups suing to stop the controversial Atlantic Coast Pipeline have asked the Fourth Circuit to temporarily shut down all construction on the project, after the appeals court revoked a key federal permit in May. Read more »

HEALTH & LIFE SCIENCES

Analysis

Creative Attys Get Anti-Regulation Ammo In High Court Case

The U.S. Supreme Court encouraged wide-ranging challenges to government regulations when it endorsed a theory of free speech to shield anti-abortion centers from disclosing state-funded abortion services, some experts say. Read more »

FDA Releases Draft Guidance On Drug Indication Labeling

The U.S. Food and Drug Administration released draft guidance Friday outlining its recommendations for how drug companies should word the indications and usage sections on a drug's label, such as specifying

Duke Energy Corporation
Electronic Privacy Information Center
Facebook
Ford Motor Co.
Fosun International Ltd.
Goldman Sachs Group Inc.
Google Inc.
H5
HSBC Holdings PLC
HSN, Inc.
Hobby Lobby Stores
Hubbell Inc.
IMS Health Inc.
Immigrant Legal Resource Center
International Association of Privacy Professionals
Internet Brands, Inc.
KKR Financial Holdings LLC
Kaplan Inc.
Kohler Co.
LegalZoom.com Inc.
Los Angeles Clippers
Lyft Inc.
Mexican American Legal Defense and Education Fund
Microsoft Corporation
NBCUniversal Inc.
National Association of Broadcasters
National Association of Manufacturers
National Collegiate Athletic Association
National Federation of Independent Business
Natural Resources Defense Council
New York State Bar Association
North Carolina State Bar

which age groups are best suited for specific drugs. [Read more »](#)

FDA Can't Compel New Tobacco Co. Warning Labels Yet

Cigar and pipe-tobacco makers received a reprieve Thursday from a looming deadline for the placement of new, larger health warnings on packages and ads when a federal judge, citing a recent Supreme Court decision, halted the U.S. Food and Drug Administration mandate pending appeal of a May ruling. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Trump To Pick Chicago Atty For Surface Transportation Board

President Donald Trump plans to nominate a Chicago attorney to fill the fifth spot on the Surface Transportation Board, the White House said, moving the rail regulator a step closer to hitting a full complement. [Read more »](#)

REAL ESTATE

Feature

Calif. Real Estate Regulations To Watch In 2nd Half Of 2018

A vote in November on the question of what sort of reach California municipalities have in enacting rent control, continued efforts to solve the state's affordable housing crisis and two attempts to fast-track environmental reviews for stadiums are among the developments Golden State real estate lawyers will have their eyes on in the second half of 2018. Here, Law360 looks at four areas of legislation and regulation they will be watching. [Read more »](#)

COMPETITION

La. Real Estate Board Tells 5th Circ. It's Immune From FTC

Oakland Athletics
Overstock.com Inc.
PricewaterhouseCoopers
Public Company Accounting
Oversight Board
Public Knowledge
QVC Incorporated
Quill Corp.
Qurate Retail Group
Rosenthal Collins Group LLC
Salesforce.com Inc.
Samsung Electronics Co. Ltd.
Sierra Club
Sinclair Broadcast Group, Inc.
Sompo International Holdings Ltd.
Sotheby's
Southeastern Pennsylvania
Transportation Authority
Southern Environmental Law
Center
T-Mobile USA Inc.
Temple University
The Southern Company Inc.
Toys "R" Us Inc.
Tribune Media Co.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Council for
International Business
Valeant Pharmaceuticals
International
Verizon Communications Inc.
Vornado Realty Trust
Wayfair LLC
Yale University
Zulily Inc.
eBay Inc.

GOVERNMENT AGENCIES

The Louisiana Real Estate Appraisers Board urged the Fifth Circuit on Thursday to toss a Federal Trade Commission administrative trial challenging board regulations that control appraisal fees, arguing that the FTC wrongly denied it immunity as a state agency, or the chance to at least assert that argument at trial. [Read more »](#)

EMPLOYMENT

States, DC Seek Full 9th Circ. Redo Of Uber Union Law Fight

Fourteen states and the District of Columbia asked the full Ninth Circuit to revisit a recent appellate decision reviving the U.S. Chamber of Commerce's challenge to a Seattle ordinance letting app-based, ride-hailing drivers bargain collectively, saying Thursday the ruling intruded on state sovereignty. [Read more »](#)

Restaurant Orgs Sue To Take Down DOL's Tip-Credit Guidance

The Restaurant Law Center and the Texas Restaurant Association filed a lawsuit Friday against the U.S. Department of Labor in Texas federal court challenging Obama-era guidelines related to an employer's ability to reduce the minimum wage given to tipped workers. [Read more »](#)

INTERNATIONAL TRADE

Trump's China Tariffs Take Hold As Biz Groups Sound Alarm

The Trump administration on Friday imposed tariffs on \$34 billion worth of Chinese imports covering technology, medical devices and industrial goods, marking the most aggressive move yet in the White House's trade imbroglio with Beijing and stoking fear within the U.S. business community. [Read more »](#)

USTR Rolls Out Waiver Process For New China Tariffs

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Labor Statistics
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Crow Creek Sioux Tribe
Department of Commerce
Equal Employment Opportunity Commission
European Securities and Markets Authority
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Judicial Center
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service
National Oceanic and Atmospheric Administration
National Park Service
Navajo Nation
New Jersey Legislature
New York State Department of Financial Services
Office of the U.S. Trade Representative
San Francisco Bay Area Rapid Transit District (BART)
Securities and Exchange Commission
South Dakota Legislature
Surface Transportation Board

Soon after the Trump administration finalized tariffs on \$34 billion worth of Chinese goods in an intensifying tussle over intellectual property rules on Friday, the Office of the U.S. Trade Representative unveiled a new process for importers to earn waivers from the new 25 percent levy. [Read more »](#)

BANKRUPTCY

Lawmakers Question PE Firms Over Toys 'R' Us Collapse

More than a dozen members of Congress sent a letter to the private equity backers of Toys 'R' Us Inc., seeking to understand the role they played in the bankruptcy and sudden collapse of the iconic toy chain, while also voicing criticism over the use of leveraged buyouts. [Read more »](#)

IMMIGRATION

DOJ Can't Use DNA Tests To Delay Reuniting Migrant Families

A California federal judge on Friday kept intact the deadlines for the Trump administration to reunite families who have been separated at the U.S.-Mexico border, despite the government's protests that more time was needed to confirm parentage through DNA testing. [Read more »](#)

New USCIS Policy Will Increase Deportation Cases

Immigrants left undocumented after their visa applications are rejected could face removal proceedings immediately upon the denial, under a set of updated guidelines published by the U.S. Citizenship and Immigration Services on Thursday evening. [Read more »](#)

3rd Circ. Says Sex Offender Can't Sponsor Immigrant Wife

The Third Circuit has declined to revive a case brought by a convicted sex offender challenging an immigration law that prevented

Tennessee Department of Revenue

Tennessee Legislature

U.S. Attorney's Office

U.S. Customs and Border Protection

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

Washington Legislature

him from sponsoring his wife for permanent resident status, ruling the law did not violate his right to marriage and the court did not have the authority to override U.S. Department of Homeland Security guidelines around waiving the rule. [Read more »](#)

Advocates Want Texas Suit Challenging DACA Tossed

An immigration advocacy group on Thursday urged a Texas federal court to toss a lawsuit by Texas and seven other states challenging the legality of the federal Deferred Action for Childhood Arrivals program because the states and the federal government agree DACA should be nixed. [Read more »](#)

NATIVE AMERICAN

DOT Awards Funds To Bolster Tribal Transportation Safety

The U.S. Department of Transportation on Thursday announced that it has chosen to award \$17.5 million to help Native American tribes make transportation options on their lands safer, providing financing for dozens of tribes in multiple states. [Read more »](#)

TELECOMMUNICATIONS

FCC Won't Pause Lifeline Restrictions Pending Lawsuits

The Federal Communications Commission said it will not delay the implementation of its restrictions on subsidized phone and internet service in the Lifeline program, despite a pending court challenge brought by a tribe, wireless resellers and others. [Read more »](#)

'Overstated' Verizon Coverage Hurts Rural Carriers, Cos. Say

A coalition of radio frequency engineering firms told the Federal Communications Commission that Verizon has "grossly overstated" its nationwide 4G LTE coverage, hurting the mobile wireless carriers the engineering firms

serve because the carriers can only get needed FCC funding to boost coverage in areas where coverage is low. [Read more »](#)

Alert Tests Could Confuse Real Deal, Trade Group Tells FCC

NCTA – The Internet & Television Association is warning the Federal Communications Commission that one of two ways of transmitting emergency alert tests, which the agency wants to streamline, could inadvertently be confused with actual alerts. [Read more »](#)

Scientists Urge FCC To Guard Galaxy-Exploration Frequencies

The National Academy of Sciences Thursday urged the Federal Communications Commission to take caution as it looks to open up for public safety use spectrum currently used for radio astronomy, saying interference issues could undermine an important tool for exploring the far reaches of the galaxy. [Read more »](#)

WHITE COLLAR

Ex-NY Senate Boss Takes Stand At Retrial, Denies Graft

Former New York Senate Majority Leader Dean Skelos unexpectedly took the witness stand in his own defense Friday at a retrial over charges he strong-armed businesses for illicit payments to his son, denying that he ever traded his official position for personal gain. [Read more »](#)

Manafort Says Change Venue, Fears Beltway Clinton Bias

Attorneys for Paul Manafort told a Virginia federal judge Friday that he should shift the former President Donald Trump campaign chair's rapidly approaching tax and bank fraud trial from inside the Washington, D.C., beltway

to Roanoke, Virginia, where voters leaned more toward Trump in 2016. [Read more »](#)

PEOPLE

Blockchain Atty Departs MoFo To Launch Crypto Boutique

Joshua Ashley Klayman, a founder and former head of Morrison & Foerster LLP's blockchain and smart contracts group, has spun off her own boutique law firm called Klayman LLC, a New York-based outfit that she says will target the digital token sale and blockchain industry as it continues to morph. [Read more »](#)

EXPERT ANALYSIS

Series

High Crimes And Misdemeanors: Impeachment Isn't A Trial

The U.S. Constitution specifies that a president can only be impeached for committing "high crimes and misdemeanors." A comparison of the only two presidential impeachments to date suggests that the actual logistics of the process are fluid and unpredictable, says David O. Stewart, who served as defense counsel during the U.S. Senate impeachment trial of Judge Walter Nixon. [Read more »](#)

3 Key Defense Arguments For Post-Lucia SEC Proceedings

The U.S. Securities and Exchange Commission's post-Lucia problems extend beyond the practical challenge of litigating cases for a second time. The U.S. Supreme Court's decision has also set up several concrete defense arguments for respondents in SEC administrative actions, say Andrew Morris and Ben Aiken of Orrick Herrington & Sutcliffe LLP. [Read more »](#)

Series

Winner's Playbook: Behind The Scenes Of Sports Bet Case

Three members of the Gibson Dunn & Crutcher LLP team that represented the state of New Jersey in *Murphy v. NCAA* explain how they kept the faith — over six years of litigation — that the U.S. Supreme Court would eventually strike down the federal prohibition on state legalization of sports wagering. [Read more = 2](#)

Myths And Facts About Using TAR Across Borders

Many legal teams involved in cross-border matters still hesitate to use technology assisted review, questioning its ability to handle non-English document collections. However, with the proper expertise, modern TAR can be used with any language, including challenging Asian languages, say John Tredennick and David Sannar of Catalyst Repository Systems. [Read more »](#)

What Will Happen With Tenn. Rule 129 In Light Of Wayfair

In 2016, Tennessee devised its own nonphysical presence economic nexus test — Rule 129 — which was challenged before it became effective in *American Catalog Mailers Association v. Tennessee Department of Revenue*. Enforcement of the rule was stayed pending the conclusion of litigation. David Mittelstadt and David Hunter at Chambliss Bahner & Stophel PC analyze its chances of success in light of *South Dakota v. Wayfair*. [Read more »](#)

LEGAL INDUSTRY

Global 20: DLA Piper

DLA Piper relied last year on its global presence to help strike one of the largest deals by a China-based company after the Asian nation imposed stricter controls on overseas investments, helping land it a spot on Law360's Global 20 list for the eighth consecutive year. [Read more »](#)

How Clients Decide Which Firms To Cut And Which To Keep

Many corporate legal departments periodically slash a large number of law firms from their rosters of go-to outside counsel, deciding in one fell swoop which to cut and which to keep. Here is a look at the factors at play when those decisions are made. [Read more »](#)

Arnold & Porter Ups Salaries, While DLA Piper Adds Bonuses

Arnold & Porter joined the chorus of firms hiking associate compensation, offering increases to base salaries for its first- through eighth-year attorneys, while DLA Piper sweetened its previously announced raises with the promise of midyear bonuses, according to internal memos made public on Friday. [Read more »](#)

Legal Sector Hits Employment High Thanks To Strong June

After an anemic start to 2018, the legal sector rallied in June, adding 4,800 jobs and bringing the total number of industry jobs to surpass the high-water mark set one year ago, the U.S. Bureau of Labor Statistics announced on Friday. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

A new study showed that more than a half million U.S. businesses could be influenced by a new privacy law in California, New York pushed banks to work with medical marijuana companies and the Internal Revenue Service approved five new compliance campaigns, including a focus on virtual currencies. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Under Regulator Pressure, Avvo Legal Services To Shut Down

Avvo Legal Services, the online client-lawyer connector besieged by bar ethics committees, is soon to be no more. [Read more »](#)

Podcast

Law360's Pro Say: High Court Cases, Kennedy & Key Stats

It's safe to say the 2017 U.S. Supreme Court term was a wild ride — with cases on President Donald Trump's travel ban, a baker's right to free speech and gerrymandered election maps, plus Justice Anthony Kennedy's retirement announcement. On this week's special episode of the Pro Say podcast, we're dedicating our entire show to stepping back and looking at what lessons can be taken from it all. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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From: Public Policy Law360
Sent: Tuesday, July 10, 2018 5:14 AM
To: Rep48
Subject: 5 Kavanaugh Opinions You Need To Read Right Now



Tuesday, July 10, 2018



SUPREME COURT NOMINATION

Feature

5 Kavanaugh Opinions You Need To Read Right Now

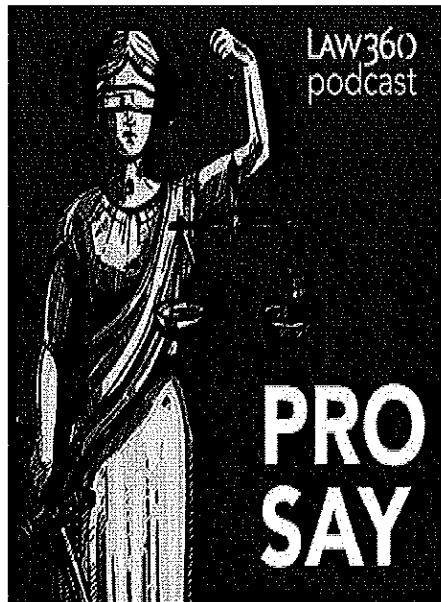
President Donald Trump called Judge Brett Kavanaugh a "judge's judge" when he named him Monday as his pick to succeed retiring U.S. Supreme Court Justice Anthony Kennedy. As all eyes turn to the Senate for what is expected to be a bruising confirmation process, here are the opinions. [Read more »](#)

Trump Picks Brett Kavanaugh For Supreme Court

President Donald Trump on Monday nominated Judge Brett Kavanaugh, a 12-year veteran of the D.C. Circuit, to replace Justice Anthony Kennedy on the U.S. Supreme Court. [Read more »](#)

Senate Battle Lines Drawn With Kavanaugh As Trump's Pick

President Donald Trump's announcement of D.C. Circuit Judge Brett Kavanaugh to replace retiring Supreme Court Justice Anthony Kennedy on Monday night quickly generated strong reactions across Capitol Hill as senators on both sides of the partisan divide braced for a battle over the future of the Supreme Court. [Read more »](#)



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Crowell & Moring
Davis Polk
Davis Wright Tremaine
Epstein Becker Green

Analysis

How Kavanaugh's Conservative Cred, DC Ties Won The Day

In D.C. Circuit Judge Brett Kavanaugh, President Donald Trump turned to a U.S. Supreme Court nominee who built a reputation on the court for fighting government overreach — making him the favorite of the Republican legal establishment. [Read more »](#)

TOP NEWS

Senate Advances Trump's 9th Circ. Pick With Bipartisan Vote

The Senate is set for a final vote on what would be President Donald Trump's first confirmed judge on the influential Ninth Circuit later this week, after the nomination of Starn O'Toole Marcus & Fisher director Mark J. Bennett cleared a hurdle Monday with a bipartisan procedural vote. [Read more »](#)

Feature

4 Things To Know About The New EPA Chief

Andrew Wheeler assumed the role of acting administrator of the EPA on Monday. While experts anticipate that the agency will continue to implement the Trump administration's deregulatory agenda under its new leader, here are four things to keep in mind as Wheeler steps into the role. [Read more »](#)

Analysis

Under New Chair, FTC Aims To Up Its Game For 21st Century

In his first major initiative since becoming chairman of the Federal Trade Commission, Joseph Simons is aiming to make sure the agency's approach to protecting competition and consumers is keeping up with tectonic forces reshaping the economy, including the rise of big data and dominant technology platforms, a resurgence in vertical mergers and complaints that employers in

Faegre Baker

Foley Hoag

Freshfields

Gibson Dunn

Goodwin

Hoguet Newman

Jenner & Block

Jomarron Lopez

Kirkland & Ellis

Lane Powell

Latham & Watkins

Massey & Gail

Mayer Brown

Moore & Van Allen

Munger Tolles

Prince Lobel

Robinson Miller

Schiller

Shapiro Arato

Spiegel & McDiarmid

Stanley Reuter

Starn O'Toole

Stone Pigman

Tarter Krinsky

Winston & Strawn

COMPANIES

Airbnb Inc.

Amazon.com Inc.

American Bar Association

American Civil Liberties Union

Apple Inc.

Black Hills Corporation

CCB International Holdings Ltd.

CTIA

Cable News Network Inc.

Canadian National Railway Company

some industries have the market power to keep wages low. Read more »

With Trump's Tariffs In Effect, China Expands WTO Fight

The Chinese government has expanded its World Trade Organization challenge of President Donald Trump's sweeping tariffs meant to counter Beijing's intellectual property policies, alleging that the United States has violated global trade rules, according to a WTO document circulated Monday. Read more »

US To Miss Deadline To Reunite Young Migrants With Families

The U.S. Department of Justice told a California federal court Monday that it will have reunited only about half of the immigrant children under age five with their families by Tuesday after they were separated from their parents at the U.S. border, missing a court-ordered deadline. Read more »

BANKING & SECURITIES

Mulvaney Elevates Top Adviser To Acting CFPB Deputy

Consumer Financial Protection Bureau acting Director Mick Mulvaney said Monday that he's picked a senior adviser to take over for Leandra English, the outgoing deputy director who vied with Mulvaney for the top slot at the consumer watchdog agency. Read more »

Hong Kong Fines Bank \$3M For Failing Duties As IPO Sponsor

Hong Kong's Securities and Futures Commission has fined the investment bank CCB International Capital Ltd. HK\$24 million (\$3.06 million) for neglecting its responsibilities as the sole sponsor of a food company's initial public offering, the agency said Monday. Read more »

ENERGY & ENVIRONMENTAL

Center for Human Rights & Constitutional Law

Chevron Corp.

Clearing House Payments Co. LLC

Exelon Corporation

Facebook

Federalist Society

Fifth Third Bancorp

Google Inc.

Hobby Lobby Stores

Law Foundation of Silicon Valley

Murray Energy Corp.

National Center for Youth Law

National Consumer Law Center

Natural Resources Defense Council

Nestle

Nuclear Energy Institute

PHH Corporation

PJM Interconnection LLC

Pacific Legal Foundation

President Chain Store Corp.

Public Company Accounting Oversight Board

Quill Corp.

SIFMA

Starbucks Corporation

T-Mobile USA Inc.

Verizon Communications Inc.

Volkswagen

Wal-Mart Stores Inc.

Washington Capitals

Washington Nationals

Wayfair LLC

Waze Mobile Ltd.

Weyerhaeuser Co.

World Airways Inc.

Xcel Energy Inc

Ex-DOI Officials Urge Justices To Keep Frog Habitat Ruling

Former U.S. Department of the Interior leaders have thrown their support behind the federal government in a challenge at the U.S. Supreme Court to the U.S. Fish and Wildlife Service's finding that 1,500 acres of private property in Louisiana were critical habitat for an endangered frog species. [Read more »](#)

DOE Awards \$75M To High-Energy Physics Projects

The U.S. Department of Energy said Monday it has awarded \$75 million in funding for nearly 80 university research projects relating to high-energy physics, including topics like dark matter and dark energy. [Read more »](#)

Exelon Says FERC Order Doesn't Doom Nuke Subsidies

Exelon Generation Co. LLC has told the Second and Seventh Circuits that nuclear plant subsidies offered by New York and Illinois were not jeopardized by a recent Federal Energy Regulatory Commission order that PJM Interconnection make changes to its electricity rates to reduce the effect of state clean energy subsidies. [Read more »](#)

REAL ESTATE

Feature

NY Real Estate Legislation To Watch In The 2nd Half Of 2018

New York could be on the cusp of passing major legislation to regulate short-term rentals and real estate lawyers will be eyeing that as well as various potential rezonings. Here, Law360 looks at three areas of legislation and regulation New York real estate lawyers will be keeping a close watch on in the second half of the year. [Read more »](#)

COMPETITION

GOVERNMENT AGENCIES

Bureau of Indian Affairs
Consumer Financial Protection Bureau
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Judicial Center
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Internal Revenue Service
NAFTA
National Labor Relations Board
National Telecommunications and Information Administration
New York State Senate
Office of the Comptroller of the Currency
Office of the U.S. Trade Representative
Securities and Exchange Commission
Solicitors Regulation Authority
U.S. Attorney's Office
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives

DOJ Wants 19 'Obsolete' Antitrust Judgments To Be Nullified

The U.S. Department of Justice asked a D.C. federal judge on Monday to terminate 19 "legacy" antitrust judgments it said are decades old and "obsolete," in what's promised to be the "first of many" such requests as the department reviews nearly 1,300 outstanding judgments. [Read more »](#)

CYBERSECURITY & PRIVACY

GOP Reps. Question Google, Apple On Data Collection

Republican members of the U.S. House of Representatives on Monday asked the heads of Apple Inc. and Google parent Alphabet Inc. for more details on what data their firms sweep up from consumers' smartphones, including whether they listen in to pieces of unwitting users' conversations. [Read more »](#)

INTERNATIONAL TRADE

Auto Groups Want To Get NAFTA Talks Back On Track

Leading automotive industry trade groups from the U.S., Canada and Mexico banded together on Monday to call for a "renewed commitment" to modernize the North American Free Trade Agreement, which has been on the rocks as the Trump administration levies sweeping trade barriers against the U.S.' neighbors. [Read more »](#)

BANKRUPTCY

Puerto Rico Lawmakers Join Battle Over Fed Board Power

Two Puerto Rican lawmakers hit the island's embattled federal oversight board with a lawsuit Monday that seeks to rein it in, claiming the board overstepped its legal boundaries when it threatened to cut lawmakers' salaries if

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

World Trade Organization

they didn't pass a law rolling back employment protections. [Read more »](#)

IMMIGRATION

Judge Gee Slams Gov't Bid For Immigrant Kid Detentions

The federal government got a scolding Monday from U.S. District Judge Dolly M. Gee as she refused to modify the so-called Flores agreement's protections for immigrant children in an order that called the bid a "cynical attempt to shift responsibility" for immigration law from Congress to courts. [Read more »](#)

Texas Asks DC Circ. To Nix Block On Detainee Abortion Rules

Texas and nine other states urged the D.C. Circuit on Friday to reverse a District of Columbia federal court's ruling that temporarily paused a federal agency's policy of barring the facilitation of abortions for unauthorized detained minors, saying the U.S. Constitution does not cover the teens. [Read more »](#)

Iranian-American Sues Gov't Over 'Confusing' Visa Delays

An Iranian-American woman is suing the U.S. government in Massachusetts federal court on claims it has unreasonably delayed her brother-in-law's visa application for over a decade, and arguing that her family has suffered as a result of the Trump administration's "confusing" immigration policies. [Read more »](#)

NATIVE AMERICAN

Gov't, Landowners Want Quick Wins In Tribal Land Trust Row

California agricultural landowners fighting a final decision to take about 1,400 acres of Santa Barbara County land into trust for a tribe and the federal government have both urged a

federal court to give them a quick win in the landowners' suit. Read more »

TELECOMMUNICATIONS

Interview

15 Minutes With CTIA's General Counsel

As general counsel for wireless industry trade group CTIA, Tom Power deals with the technology powering futuristic innovations like remote surgery, "smart" infrastructure and ubiquitous cellphone communications. He recently spoke with Law360 on the changing regulatory landscape, the complicated problem of spectrum-sharing and the root of his interest in communications: his past as an amateur disk jockey. Read more »

Penn State Prof Aims To Pinpoint State Broadband Gaps

A Pennsylvania State University professor will spend the next year attempting to create a more accurate map of high-speed internet access in the state of Pennsylvania, in an effort to identify areas that remain underserved by broadband. Read more »

Mass. Town Defends Refusal of Too-Close T-Mobile Tower

A Massachusetts town on Monday urged a federal judge to end a suit accusing it of improperly denying T-Mobile and another company the right to build a cellphone tower, arguing that officials' determination that the project was too close to residential neighborhoods was evidence-based. Read more »

Federal Contractor TCPA Liability A Loophole, Group Says

A trade group for hundreds of federal contractors has asked the Federal Communications Commission to strike a clause from its Telephone Consumer Protection Act rules that may undermine their

shield from robocall lawsuits, saying it appears to have been mistakenly added. [Read more »](#)

WHITE COLLAR

3rd Circ. Backs NJ's Nonmonetary Bail Reform

The Third Circuit on Monday rejected a bid to enjoin New Jersey's landmark bail reform program based on claims from a man who said that an order placing him on house arrest in advance of an assault trial violated his constitutional right to pretrial release on bail or bond. [Read more »](#)

Mueller Aims To Block 2 Key Arguments From Manafort Trial

Special Counsel Robert Mueller asked a D.C. federal judge Monday to prevent Paul Manafort from arguing at trial that the case against him is politically motivated or that prosecutors had previously decided not to charge him, saying such arguments are irrelevant to the jury. [Read more »](#)

Skelos Admits He Helped Son Get Work, Denies Corruption

Former New York State Senate leader Dean Skelos told a Manhattan federal jury on Monday that he never traded the power of his office to help his son Adam, but on cross-examination admitted to pressing a real estate developer at least three times to help his son find work. [Read more »](#)

EXPERT ANALYSIS

Series

High Crimes And Misdemeanors: A View From The #MeToo Era

The #MeToo movement has called attention to something that feminists avoided focusing on during the impeachment of President Bill Clinton — something the law is not very good at capturing. "Consent" may be obtained under varying kinds and degrees of coercive

conditions. And it can be refused at a high cost, says Elizabeth Rapaport of the University of New Mexico School of Law. [Read more »](#)

What To Expect From The FDIC's New Chief

A takeaway from the few public statements available so far is that Jelena McWilliams, the Federal Deposit Insurance Corp.'s new chairwoman, has put forth an ambitious, pro-industry agenda that will require coordination among the banking regulators, say Kristina Whittaker and Neil Bloomfield of Moore & Van Allen PLLC. [Read more »](#)

Interpreting Complex Statutes: When To Go Beyond The Text

The U.S. Supreme Court's majority and dissenting opinions in *Wisconsin Central v. U.S.* — a significant decision for the tax community despite receiving little attention last month — are an important exploration of when it is permissible for a court to use interpretive tools like legislative history, administrative interpretation and policy outcomes to find the meaning of complex statutory language, says Professor Edward Zelinsky of Benjamin N. Cardozo School of Law. [Read more »](#)

LEGAL INDUSTRY

Global 20: Freshfields

Freshfields Bruckhaus Deringer LLP has managed the fallout for Volkswagen in 60 countries stemming from the diesel emissions scandal and steered Starbucks' \$1.3 billion buyout of its East China business last year under the firm's strategy of global partnership, merititng it a spot on Law360's Global 20 list. [Read more »](#)

ABA At Risk Of Being Fiscally Nonviable, Internal Memos Say

The American Bar Association faces an uncertain future if it continues on its current track of shedding dues payers and losing

revenues, according to a pair of internal memos to the association's board of governors written in June. [Read more »](#)

Magic Circle Associate Alleges Sexual Assault By Partner

An anonymous attorney has submitted a letter to the U.K.'s Women and Equalities Commission alleging they were sexually assaulted by a partner at a Magic Circle law firm while working as a junior lawyer and saying the firm failed to take the incident seriously. [Read more »](#)

Power Imbalance Causes Harassment At Firms: Women's Bar

Unchecked power imbalances at law firms are the most common factors that lead to negative and inappropriate workplace behavior, according to a survey released Monday by the Women's Bar Association of Massachusetts in partnership with the Rikleen Institute for Strategic Leadership. [Read more »](#)

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